

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
W/S Naygall Road, 860 ft. +/-  
SE of c/l Glenmill Road \* ZONING COMMISSIONER  
9100 Naygall Road  
11th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District  
William W. Malnati, Sr., et ux \* Case No. 97-9-A  
Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for a Zoning Variance for the property located at 9100 Naygall Road in the Glen Mill Estates subdivision of Baltimore County. The Petition was filed by William W. Malnati, Sr., and Ellen Marie Malnati, his wife, former property owners. Variance relief is requested from Sections 504.2 and 301.1.A of the Baltimore County Zoning Regulations (BCZR); as well as Section V.B.6.b of the CMDP, to permit a deck with a rear yard setback of 11 ft. 4 inches to the property line in lieu of the required 22 ft. 6 inches. Also requested is an amendment to the Final Development Plan for Glen Mill Estates. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was William W. Malnati, Sr., Petitioner. It is of note that subsequent to the filing of the Petition, Mr. and Mrs. Malnati sold the subject property to Michael R. Salvarola and Diane T. Salvarola. Mr. and Mrs. Salvarola also appeared at the public hearing in support of the request. Also present in support of the Petition was Mr. Charles L. Pistorino, Sr. and Louis J. Ecker, III. Appearing in opposition to the request was Louis J. Foudous. Mr. Foudous resides at 9048 Naygall Road and shares a common rear property line with the subject property.

Testimony and evidence presented at the hearing was that the subject

ORDER RECEIVED FOR FILING

Date

By

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property is approximately .232 acres in area, zoned D.R.3.5. The property is improved with a single family dwelling known as 9100 Naygall Road. Vehicular access to the property is by way of a pipe stem driveway which leads from the aforementioned Naygall Road. The dwelling fronts the driveway and faces another existing single family dwelling on the other side of the driveway. The one side yard of the property abuts the single family dwelling owned by Mr. and Mrs. Ecker, known as 9052 Naygall Road. The other side of the yard adjoins a Baltimore Gas and Electric Power Company power line easement. As noted above, the rear of the property abuts the rear property line of 9048 Naygall Road, owned by Mr. and Mrs. Foudous.

Mr. Malnati testified that he formerly owned the property and constructed a deck attached to the rear of the dwelling in April of 1995. This construction was undertaken by himself and friends and was performed without the benefit of a permit from Baltimore County. Mr. Malnati testified that he constructed the deck to provide more living area and as an enhancement to the house. The deck is shown in a series of photographs that were submitted at the hearing and I also observed the property and its environs during a site inspection. Mr. and Mrs. Salvarola testified that they purchased the house from Mr. and Mrs. Malnati on July 30, 1996. They have five children and want to retain the deck. They indicated that the deck was constructed at its most practical location and that access thereto is from the rear of the house. Other neighbors present supported the request.

Mr. Foudous is the arguably the most affected property owner and, as noted above, resides immediately to the rear of the subject property. He is the original owner of this dwelling in this subdivision, having resided here for approximately 10 years. Mr. Foudous testified that he opposes

the location of the deck primarily due to the topography of the property. As was readily apparent both in the photographs and during my site inspection, the rear yard of the subject property slopes downward from the house. In that the deck is built straight from the main floor, it is, therefore, elevated and the height of the deck off of the ground increases as the structure leads from the house. Mr. Foudous notes that this change in elevation causes the appearance that the deck overlooks his yard, thereby invading his privacy and detrimentally affecting his property.

This is a difficult case. Certainly, the subject property owner should be able to enjoy their property and their deck. The deck appears structurally sound and is compatible with the neighborhood. Moreover, I did not, during my site visit, see any other location where the deck could be attached to the house. The uniqueness of this property is due to its topography. The deck cannot be constructed to either side of the dwelling because of the narrowness of the lot and the slope limits the use of the property.

Nonetheless, serious consideration must be given to Mr. Foudous' concerns. He is entitled to a reasonable degree of privacy. I must consider whether the location of the deck would detrimentally affect his rights.

Based upon all of the testimony and evidence offered, I am persuaded to grant the Petition for Zoning Variance. However, I will restrict same so as to reduce the impact on the Foudous property. In this regard, the deck will remain in its present configuration and location. I will require the property owners to install a landscape buffer along the rear of the deck to shield the view of same from the Foudous property. I will also require the property owner to consult with Baltimore County's Landscape Architect, Avery Harden, for his input as to the nature, size and number

ORDER RECEIVED FOR FILING

Date

By



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

January 7, 1997

Mr. and Mrs. William W. Malnati, Sr.  
6698 South Clayton Street  
Littleton, Colorado 80121

Mr. and Mrs. Michael R. Salvarola  
9100 Naygall Road  
Baltimore, Maryland 21234

RE: Case No. 97-9-A  
Petition for Zoning Variance  
Property: 9100 Naygall Road

Ladies and Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.

c: Mr. Louis J. Foudous, 9048 Naygall Road, Baltimore, Md. 21234  
c: Mr. C.L. Pistorino, Sr., 1960 Rockingham St., McLean, Va. 22101  
c: Mr. Louis J. Ecker III, 9052 Naygall Road, Baltimore, Md. 21234

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# Petition for Administrative Variance <sup>AND</sup> TO AMEND THE FINAL DEVELOPMENT PLAN OF GLEN MILL ESTATES to the Zoning Commissioner of Baltimore County

for the property located at 9100 Naygall Rd., Baltimore, MD

97-9-A

which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504.2, 301.1A (BCZR); V.B.6.b (C.M.D.P.); to permit a deck with a rear yard setback of 11' 4" to property line in lieu of the required 22' 6".

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) The combination of this old zoning regulation (1955) and the relative narrowness of the building envelope for our pipe-stem lot, **unfairly severely restricts the size of deck** we are permitted to attach to our house **and**, therefore, the **present-day beneficial use that should be expected for our size property**, as compared to the vast majority of the houses in our development.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

William Walter Malnati, Sr.

(Type or Print Name)

Signature

Ellen Marie Malnati

(Type or Print Name)

Signature

(303) 331-3722 (W)

6698 South Clayton St. (303) 738-9739 (H)

Address

Phone No.

Littleton, Colorado 80121

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Charles L. Pistorino, Sr.

Name

1960 Rockingham St. (703) 536-9364

Address

Phone No.

McLean, VA 22101

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: [Signature]

DATE: 7-9-96

ESTIMATED POSTING DATE: 7-21-96

Printed with Soybean Ink  
on Recycled Paper

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# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 6698 South Clayton Street  
address  
Littleton, Colorado 80121  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at ~~the above address~~ (Indicate hardship or practical difficulty)

9100 Naygall Rd., Baltimore, Maryland, of which property we are the  
present legal owners.

The facts upon which we base our request for an administrative variance,  
and the relief sought, are given on a separate sheet, attached herewith.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William Walter Malnati, Sr.  
(signature)  
Colorado Arapahoe  
(type or print name)  
STATE OF ~~MARYLAND~~, COUNTY OF ~~BALTIMORE~~, to wit:



Ellen Marie Malnati  
(signature)  
Ellen Marie Malnati  
(type or print name)

I HEREBY CERTIFY, this 8th day of June, 1996, before me, a Notary Public of the State of ~~Maryland~~, in and for the County aforesaid, personally appeared Colorado

William Walter Malnati, Sr. and Ellen Marie Malnati

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 8, 1996  
date

Jody R. M. Hervey  
NOTARY PUBLIC  
My Commission Expires: 2-27-1997

Attachment to:

97-9-A

**Affidavit in Support of Administrative Variance**  
In regard to the property located at 9100 Naygall Road, Baltimore, Maryland


An imminent large family gathering at our home prompted us to quickly consider attaching an open deck to our house for the convenience of our guests. Since there was not much time until the event, and not knowing anything about building envelopes, we noted the many existing decks in our neighborhood and built our deck, based on property lines, to the same general size and shape as most of the other decks in the neighborhood.

Upon application for a building permit, we found that zoning regulation SECTION 301 severely restricts the size of decks on houses in our neighborhood located on *pipe-stems*; as our house is, because of the relative narrowness of the building envelope applied to our *pipe-stem* lot, as compared to the size of decks permitted on houses in the neighborhood which front on the street.

This zoning regulation, which refers to carports and PORCHES, was enacted in 1955, some forty years ago, long before the present prevailing popularity of, desire for, expectancy and general acceptance of spacious attached open decks.

It is considered that strict application of this old provision of the zoning regulation, especially when applied to building envelopes that are unfairly restricted in size for *pipe-stem* houses, compared to the building envelopes for the other houses in our single-family home development, in which all the houses are substantially equally sized and on substantially equally sized lots, would result in undue hardship to us in denying to us a moderately spacious open deck, and, therefore, the full enjoyment of this widely accepted present-day beneficial use of our property which is accorded to the vast majority of our neighbors.

To relieve this hardship, we hereby request the grant of a variance from SECTION 301 to complete the 18' x 20' deck shown on the attached plat.

  
\_\_\_\_\_  
Signature  
William Walter Malnati, Sr.

  
\_\_\_\_\_  
Signature  
Ellen Marie Malnati

STATE OF COLORADO, COUNTY OF ARAPAHOE, to wit:

I HEREBY CERTIFY, this 8th day of June, 1996, before me, a Notary Public of the State of Colorado, in and for the county aforesaid, personally appeared.

\_\_\_\_\_  
William Walter Malnati, Sr. and Ellen Marie Malnati

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 8, 1996  
date

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 2-27-1997  
2-27-1997

MICHAEL MED

ZONING DESCRIPTION for:

97-9-A

9100 NAYGALL RD.

Beginning at a point on the SOUTHWEST side of NAYGALL RD. which is 50' wide at the distance of 860 feet SOUTHEAST of the centerline of the nearest improved intersecting street GLENMILL RD., which is 50' wide. Being Lot #40 in the subdivision of GLEN MILL ESTATES as recorded in Baltimore County Plat Book #55, Folio #118, containing 0.232 acres. Also known as 9100 NAYGALL RD. and located in the 11th Election District, 5th Councilmanic District.

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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

97-9-A

District: \_\_\_\_\_

Date of Posting: \_\_\_\_\_

9/24/96

Posted for: \_\_\_\_\_

Oct 8, 1996 hearings

Petitioner: \_\_\_\_\_

Micromatic

Location of property: \_\_\_\_\_

9100 Nairael Rd

Location of Sign: \_\_\_\_\_

front of property

Remarks: \_\_\_\_\_

Posted by: \_\_\_\_\_

Signature

Dave Taylor

Date of return: \_\_\_\_\_

Number of Signs: \_\_\_\_\_

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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY** 97-9 H  
Towson, Maryland

District 11th

Posted for Lawrence

Date of Posting 7/29/96

Petitioner: Wm. Walter & Ellen M. Mofneth

Location of property: 900 Noyall Rd., 415

Location of Sign: Feet by road on property being zoned

Remarks: \_\_\_\_\_

Posted by SMH  
Signature

Date of return: 7/26/96

Number of Signs: 1



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BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

10

No.

97-9-A

DATE 7-9-96 ACCOUNT 2001-6150

RECEIVED WILLIAM MALONE, Sr. AMOUNT \$ 85.00  
FROM 1100 Maryland

FOR Admin. Van (010) 50.00  
Leasing (080) 35.00

**RN + SIGN**

**MICROFILMED**

RENTAL HILLTOP CHRC  
R# 1010131AM07-09-96

885.00

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER  
VALIDATION OR SIGNATURE OF CASHIER

John



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 10 Petitioner: WILLIAM MALINATI, SR.

Location: 9100 NAYGALL RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: CHARLES PASTORINO, SR.

ADDRESS: 1960 ROCKINGHAM ST.

McLEAN, VA 22101

PHONE NUMBER: 703-536-9364

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# Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: \_\_\_\_\_

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_

plat book# \_\_\_\_\_, folio# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: \_\_\_\_\_



North

date: \_\_\_\_\_

prepared by: \_\_\_\_\_

Scale of Drawing: 1" = \_\_\_\_\_



Vicinity Map  
North  
scale: 1"=1000'

## LOCATION INFORMATION

Election District: \_\_\_\_\_

Councilmanic District: \_\_\_\_\_

1"=200' scale map#: \_\_\_\_\_

Zoning: \_\_\_\_\_

Lot size: \_\_\_\_\_

acreage \_\_\_\_\_ square feet \_\_\_\_\_

SEWER: ☐ public ☐ private

WATER: ☐ yes ☐ no

Chesapeake Bay Critical Area: ☐ ☐

Prior Zoning Hearings: \_\_\_\_\_

## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 18, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 97-9-A (Item 10)  
9100 Naygall Road  
W/S Naygall Road, 860'+/- SE of c/l Glenmill Road  
11th Election District - 5th Councilmanic  
Legal Owner(s): William Walter Malnati, Sr. and Ellen Marie Malnati

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 21, 1996. The closing date (August 5, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director

cc: William and Ellen Malnati  
Charles L. Pistorino, Sr.

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Rescheduled from 1/16/96  
CASE NUMBER: 96-245-SPH (Item 245)  
7200 Green Bank Road  
N/S Green Bank Road, 25' E of c/l Choptank Road  
15th Election District - 5th Councilmanic  
Legal Owner: Paul D. Kiebler and Jean A. Kiebler

Special Hearing to determine whether the divisional lines established on the plat accompanying this Petition are in compliance with the provisions of Section 417.3 and such other actions which will be required to construct the piers as shown on the plat; further to determine that the adjacent properties designated as Lot #31 and #32 are not in compliance with the provisions of B.C.Z.R. contained in Section 417; and to determine such items which may be presented at the hearing relative to this issue.

HEARING: WEDNESDAY, APRIL 3, 1996 at 9:00 a.m. in Room 106, County Office Building.

Rescheduled from 11/29/95 and 2/21/96  
CASE NUMBER: 96-168-SPHA (Item 162)  
2260 Cromwell Bridge Road  
Sanders Corner  
NW/S. Cromwell Bridge Road, 78' SW of c/l Loch Raven Road  
9th Election District - 6th Councilmanic  
Legal Owner: Ronald Sanders

Special Hearing to allow commercial parking in a residential zone; to amend a previous site plan dated 10/23/90 (case #91-256-SPH); to confirm an existing non-conforming use; and to approve a modified parking plan. Variance to allow for a reduction in the required number of parking spaces from 72 to 39.

HEARING: WEDNESDAY, APRIL 3, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

CASE NUMBER: 96-317-SPH (Item 316)  
5 Celebrie Court  
E/S Celebrie Court, approximately 500' S of Glenbaur Road  
11th Election District - 5th Councilmanic  
Legal Owner: Sharon L. Rose

Special Hearing to approve an addition for an in-law apartment with self-contained facilities and kitchen for owner's parents.

HEARING: WEDNESDAY, APRIL 3, 1996 at 11:00 a.m. in Room 106, County Office Building.

CASE NUMBER: 96-318-A (Item 319)  
1633 Jeffers Road  
S/S Jeffers Road, 145' NE of c/l Thornton Road  
8th Election District - 4th Councilmanic  
Legal Owner: Charles M. Hughes and Lynnallen Hughes

Variance to permit two storage sheds to be situated in the side yard in lieu of the rear yard.

HEARING: WEDNESDAY, APRIL 3, 1996 at 2:00 p.m. in Room 106, County Office Building.

CASE NUMBER: 96-319-SPH (Item 318)  
600 Reisterstown Road  
4th Election District - 3rd Councilmanic  
Legal Owner: Pikesville Plaza Building Company  
Contract Purchaser/Lessee: L & J Associates, Inc.

Special Hearing to approve the use of the premises as a beauty shop with accessory massage services.

HEARING: THURSDAY, APRIL 4, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

CASE NUMBER: 96-320-SPH (Item 328)  
600 Reisterstown Road  
NWC Reisterstown Road and Slade Avenue  
4th Election District - 3rd Councilmanic  
Legal Owner: Frank Scarfield/Pikesville Plaza Building Company  
Contract Purchaser/Lessee: Progressive Ambulance Company/Millard C. Sheppard

Special Hearing to approve an amendment to the site plan and parking variance granted in case #74-232-A to allow a total of 161 spaces provided in lieu of of the total 172 spaces permitted and to reduce the total by 12 spaces used for storage and parking by ambulances and limousines for a new total of 149 spaces. Special Exception to permit a service garage providing for storage and parking of ambulances and limousines.

HEARING: THURSDAY, APRIL 4, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

TO: PUTUXENT PUBLISHING COMPANY  
August 8, 1996 Issue - Jeffersonian

Please forward billing to:

Charles L. Pistorino, Sr.  
1960 Rockingham Street  
McLean, VA 22101  
703-536-9364

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-9-A (Item 10)  
9100 Naygall Road  
W/S Naygall Road, 860'+/- SE of c/l Glenmill Road  
11th Election District - 5th Councilmanic  
Legal Owner(s): William Walter Malnati, Sr. and Ellen Marie Malnati

Variance to permit a deck with a rear yard setback of 11 feet, 4 inches to property line in lieu of the required 22 feet, 6 inches and to amend the Final Development Plan of Glen Mill Estates.

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED





# BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

*C. J. Jabb*  
DIRECTOR

*John R. Reing*  
BUILDINGS ENGINEER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 2, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-9-A (Item 10)  
9100 Naygall Road  
W/S Naygall Road, 860' +/- SE of c/l Glenmill Road  
11th Election District - 5th Councilmanic  
Legal Owner(s): William Walter Malnati, Sr. and Ellen Marie Malnati

Variance to permit a deck with a rear yard setback of 11 feet, 4 inches to property line in lieu of the required 22 feet, 6 inches and to amend the Final Development Plan of Glen Mill Estates.

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 11:00 a.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: William and Ellen Malnati  
Charles L. Pistorino, Sr.  
Louis J. Foudos, Jr.  
F. Richard Warzynicki  
Mary J. Haeckel  
Linda DiStefano  
Elizabeth LaBruto  
Rose Groesser

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

ENCLOSURE





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 9, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 9/4/96  
CASE NUMBER: 97-9-A (Item 10)  
9100 Naygall Road  
W/S Naygall Road, 860' +/- SE of c/l Glenmill Road  
11th Election District - 5th Councilmanic  
Legal Owner(s): William Walter Malnati, Sr. and Ellen Marie Malnati

Variance to permit a deck with a rear yard setback of 11 feet, 4 inches to property line in lieu of the required 22 feet, 6 inches and to amend the Final Development Plan of Glen Mill Estates.

HEARING: TUESDAY, OCTOBER 8, 1996 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON  
DIRECTOR

cc: William and Ellen Malnati  
Charles Pistorino, Sr.  
Louis J. Foudos, Jr.  
F. Richard Warzynicki  
Mary J. Haechek  
Linda DiStefano  
Elizabeth LaBruto  
Rose Groesser

MICROFILMED



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 1, 1996

William and Ellen Malnati  
6698 South Clayton Street  
Littleton, Colorado 80121

RE: Item No.: 10  
Case No.: 97-9-A  
Petitioner: William Malnati, et ux

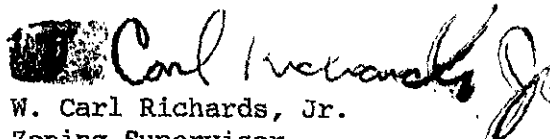
Dear Mr. and Mrs. Malnati:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 21, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

MICROFILMED





**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

7-19-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 010 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*for* *Bob Small*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**MICROFILMED**

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

DATE: 7/19/95

SUBJECT: Zoning Advisory Committee

Meeting Date: July 22

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

8  
9  
10  
15  
16

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Permits and Development  
Management

**DATE:** July 19, 1996

**FROM:** Pat Keller, Director  
Office of Planning

**SUBJECT:** Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos 10, 11, 12, 13, 15, and 16

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Daryl L. Keene*

PK/JL

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 07/23/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 22, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 008, 009, 010, 013, 014, 015 AND 016.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED







*[Signature]*  
DIRECTOR

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

*[Signature]*  
BUILDINGS ENGINEER

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: July 22, 1996

FROM: *RWB* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for July 22, 1996  
Item Nos. 008, 009, 010, 015 & 016

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

57/35-95

94-1151

Baltimore County  
Office of Law

400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4420  
Fax: (410) 296-0931

November 3, 1995

Wayne  
DID

Westfield AR

Claude

have something

against

8448  
LAL RABIN

B108

✓

to toward their bill.

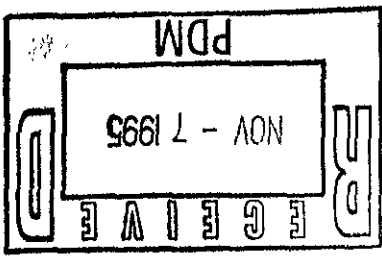
Very truly yours,

WILLIAM O. JENSEN, JR.  
Assistant County Attorney

Greg and Dorothy White  
Arnold Jablon, Director, PDM, M.S. 1105  
James Gibson, Director, Finance, M.S. 2111  
Arnold Jablon: Do they owe us another \$285.00?  
Have we billed them?

I.F. 285.00  
Revised. 1/14/95

Argument Plan  
Asst. Code Eval. 5/95



# PETITION PROBLEMS

## #10 --- JCM

1. No fee was charged for special hearing to amend the final development plan.

## #11 --- MJK

1. No telephone number for legal owner.

## #12 --- MJK

1. Petitioner's copy of receipt still in folder.

## #13 --- MJK

1. No undersized lot information in folder.

## #14 --- MJK

1. No undersized lot information in folder.

## #16 --- JRA

1. No review information on bottom of petition form.
2. No item number on any papers in folder.
3. Who signed for contract purchaser? - Need authorization.

MICROFILED

July 16, 1996

### Riverdale Draft

After an extensive investigation conducted by inspectors for the Department of Permits and Development Management, it is concluded that the conditions existing at the Riverdale apartment complex cause the occupants to be placed in an unsafe and uninhabitable environment. We have concluded that there exists approximately 2100 violations of the Building Code, Investment Property Act, and the Zoning regulations of Baltimore County.

It is not the intention of this letter to delineate each and every violation, however our primary purpose and responsibility is to measure the impact these violations have on the safety, health and welfare of those who live at Riverdale and on those who might live there. The open and unsecured buildings, apartments, and common area entrances constitute definite and obvious fire hazards which constitute a danger to the public, whether they live at Riverdale or are visiting. Those open and unsecured areas of buildings in which people are living must be secured against entry pursuant to Section 119.1 of the Baltimore County Building Code.

The violations must be corrected. If these violations are not corrected immediately, or, at the very least, with a time management plan approved by this department, this department will order that all occupants of any building within which any portion is unoccupied and unsecured against entry must be relocated to another building or residential unit off site that complies with existing laws. Those buildings which are partially unoccupied or vacant, or which may become unoccupied or vacant, are to be made safe and must be secured. They must be maintained in a manner that will not have a detrimental effect to the health, safety, and general welfare of those who may reside at Riverdale.

The following are the general classification of violations which exist on site:

1. Open and unsecured apartment units, buildings, common area entrances and crawl space areas
2. Missing window and door units, broken windows and doors
3. Open crawl spaces - some filled with water
4. Exposed and unsecured electrical wiring
5. Deteriorated porch roof supports
6. Damaged exterior foundation walls, masonry, and sidewalks
7. Ineffective waterproofing of exterior walls, roofs, and foundations
8. Damaged and/or missing downspouts and rain gutters
9. Deteriorated and missing architectural trim and mouldings
10. Broken glass, trash, and debris

The Investment Property Act requires that vacant and occupied investment properties be maintained in a manner as to not have a detrimental effect upon the care, value, and character of the entire community in which they are found.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 2, 1996

William and Ellen Malnati  
6698 South Clayton Street  
Littleton, Colorado 80121

Re: Case Number: 97-9-A  
9100 Naygall Road

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied.

Reposting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

cc: Charles L. Pistorino, Sr.

APPLICATIONS DISAPPROVED OR HELD  
FOR X

FROM 02/14/96 TO 02/15/96

DATE: 07/15/96  
TIME: 08:30:21

PERMIT NUMBER  
DATE OF  
APPLIC/ISSUE  
CNTL #

B263409	03/18/96	MR
B263410	03/18/96	MR
B263414	03/27/96	NR
B263415	03/27/96	NR
B263416	03/27/96	NR
B263418	03/27/96	NR
B263419	03/27/96	NR
B263421	03/27/96	NR
B263422	03/27/96	NR
B263428	03/18/96	SI12236-
B263430	03/18/96	MR
B263431	03/18/96	MR
B263433	03/18/96	FD-96
B263435	03/28/96	C-
B263437	04/04/96	RA
B263440	04/24/96	NR
B263442	04/16/96	C-
B263444	03/28/96	RA
B263445	03/18/96	MR
B263446	03/18/96	BL
B263447	04/16/96	C-
B263454	03/18/96	RS
B263458	03/18/96	MR
B263460	03/18/96	TT
B263462	04/18/96	MR
B263465	03/26/96	NR
B263466	03/26/96	NR
B263467	03/26/96	NR
B263472	03/18/96	MR
B263475	03/18/96	MR
B263477	03/20/96	NR
B263478	03/28/96	NR
B263479	03/28/96	NR
B263480	03/18/96	MR
B263481	03/20/96	NR
B263484	03/18/96	MR
B263485	03/18/96	FD-96
B263486	03/29/96	NR
B263487	04/04/96	NR
B263497	03/19/96	FD-96
B263499	03/19/96	FD-96
B263503	03/19/96	FD-96
B263504	03/19/96	FD-96
B263505	03/19/96	FD-96
B263506	03/19/96	FD-96
B263509	03/19/96	FD-96
B263511	03/19/96	FD-96
B263514	03/19/96	MR
B263516	03/19/96	MR
B263522	03/19/96	WFC-

96-4590  
8/1/96  
y  
JO 68

August 15, 1996

William W. Malnati, Sr.  
Ellen M. Malnati  
6698 South Clayton Street  
Littleton, Colorado 80121

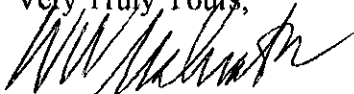
Mr. Arnold Jablon  
Baltimore County Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Mr. Jablon,

As per our telephone conversation with Ms. Gwen Stephens, we would like to request a continuance for our public hearing, case number 97-9-A Re: 9100 Naygall Road. Neither we nor our representative will be able to attend on the scheduled hearing date set for September 4, 1996.

Therefore we respectfully request that the hearing be continued to any date after September 20, 1996. If our request cannot be granted, please feel free to contact us at our residence 303/738-9737 or at my office 800/228-5023 extension 3080. Your consideration in this matter is greatly appreciated. We will await your instructions. Until then, we are

Very Truly Yours,

  
William W. Malnati, Sr.

  
Ellen M. Malnati

cc: Charles Pistorino, Sr.  
Michael and Diane Salvarola  
Rene Castrilli

1005

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July 27, 1996

Baltimore County  
Dept. of Permits and Development Management  
111 W. Chesapeake Ave.  
Towson, Md. 21204  
Att: Mr. Jablon

Dear Mr. Jablon:

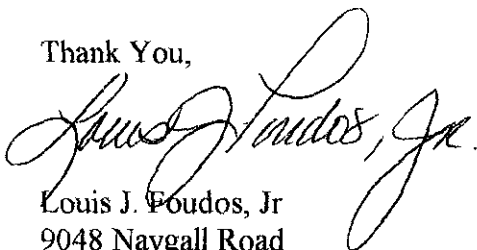
As per my phone conversation with a representative from your department, I am hereby giving written notice of my opposition to the structure built at 9100 Naygall Road Balto. Md. 21234. (refer to your case # 97-9-A.)

It is my understanding that this deck was built without a permit from Balto. County and is in violation of county codes. This structure appears to be too large for the property and much too close to my property line.

I am requesting your office review this case and correct this matter as soon as possible.

I have enclosed signatures of neighbors also opposed to this structure. I have also enclosed my check in the amount of \$40.00 .

Thank You,



Louis J. Poudos, Jr  
9048 Naygall Road  
Balto. Md. 21234

MICROFILMED

GWEN

96-4164  
7/27/96  
8

F. Richard Warrumch  
9102 Naygall Rd  
Baltimore, Md 21234  
529-5934

Many of Hdechuk  
9102 Naygall Road  
Baltimore, MD 21234  
529-5934

Lydia DiStefano  
9044 Naygall Rd.  
Balto. MD 21234

Elizabeth LaBruta  
9042 Naygall Rd  
Balto MD 21234

Rose Winesser  
9042 NAYGALL Rd  
Balto M.D 21234

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PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

W.W. MALWATI, SR

688 SOUTH CLAYTON ST.  
LITTLETON, CO. 80121

*engineer  
attorney*  
C.L. PISTORINO, SR

1960 ROCKINGHAM ST.  
MCLEAN, VA 22101

MICHAEL R. SALVAROLA

9100 NAYGALL RD.

BALT. MD. 21234

Diane L. SALVAROLA

9100 Naygall Rd  
Balt, MD 21234

Louis J. ECKER III

9052 NAYGALL RD  
BALTO. MD 21234

*John M. Altmeyer*

9048 NAYGALL RD  
BALTO. M.D. 21234

Louis J Foudous

John M. Altmeyer  
Chief Building Inspector

14

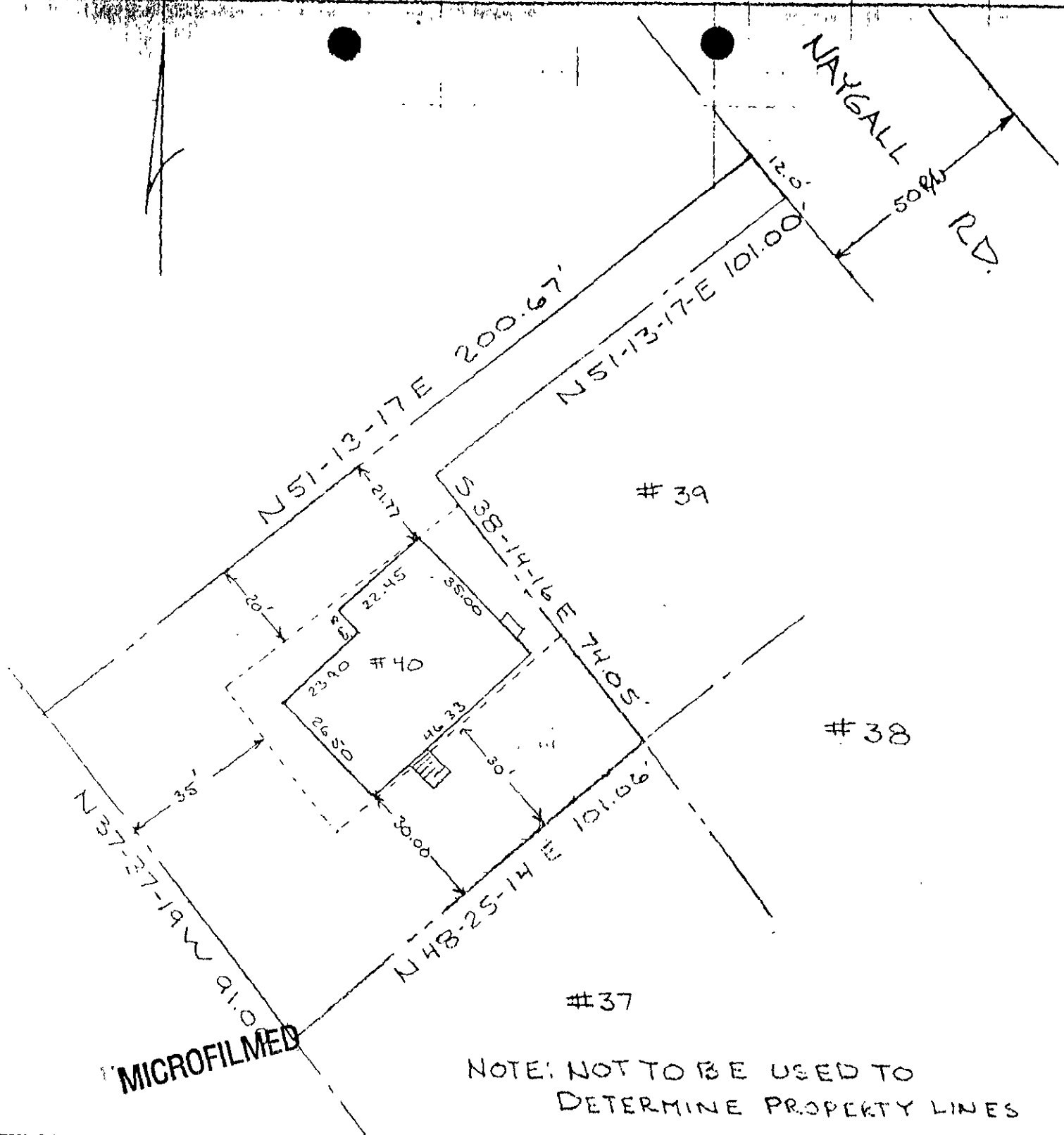
Baltimore County  
Department of Permits & Licenses  
County Office Building  
Towson, Maryland 21204

(410) 887-3953



Printed with Soybean Ink  
on Recycled Paper

MICROFILM



HOUSE LOCATION  
 SURVEY OF LOT #40  
 GLENNMILL ESTATES  
 ELECTION DISTRICT  
 BALTIMORE COUNTY  
 MARYLAND  
 JUNE 28, 1988



James S. Thomas

TRIANGLE SURVEYS  
 INC.  
 P.O. BOX 745  
 OCEAN CITY  
 MARYLAND 21842  
 SCALE 1"=30'

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

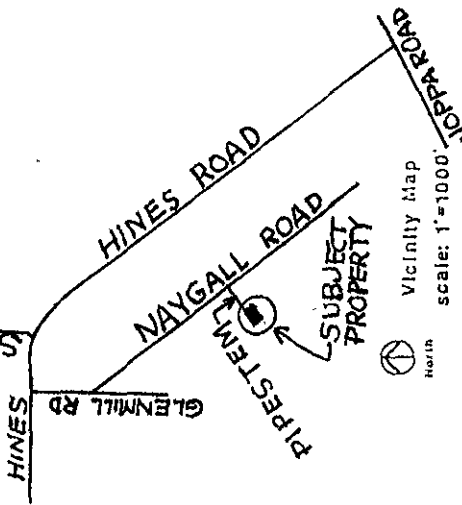
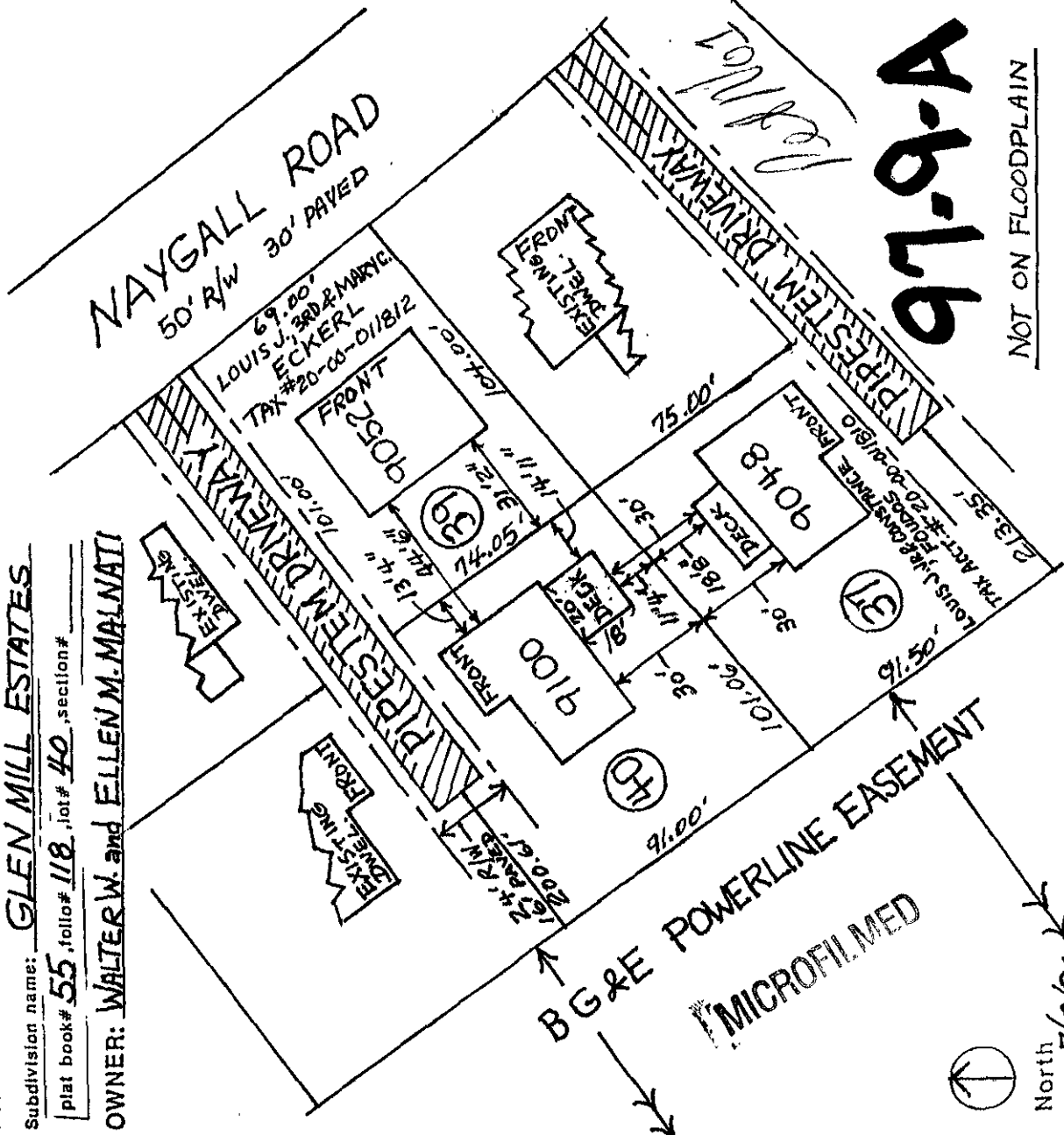
PROPERTY ADDRESS: 9100 NAGALL ROAD

Subdivision name: GLEN MILL ESTATES

[plat book # 55, folio # 118, lot # 40, section #   ]

OWNER: WALTER W. and ELLEN M. MALNATI

see pages 5 & 6 of the CHECKLIST for additional required information



## LOCATION INFORMATION

Election District: 11TH

Councilmanic District: 5TH

1"=200' scale map #: N.E. 10F

Zoning: 3.5

Lot size: 0.232 acreage 10,106 square feet

public private  
SEWER: ☒ ☐  
WATER: ☒ ☐  
Chesapeake Bay Critical Area: ☐ ☒  
Prior Zoning Hearings: NONE

## Zoning Office USE ONLY!

revised by: gm ITEM #: 110 CASE #:

NOT ON FLOODPLAIN

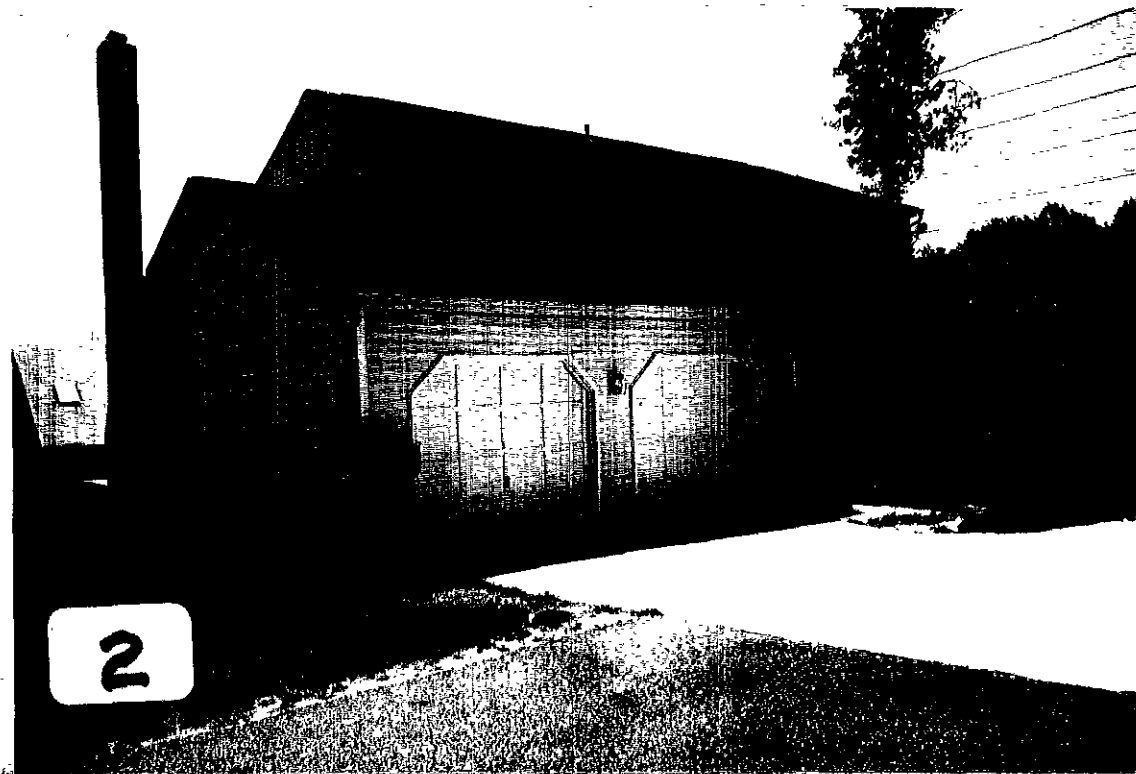
Scale of Drawing: 1"= 50'

North  
date: 7/2/96  
prepared by: CLP

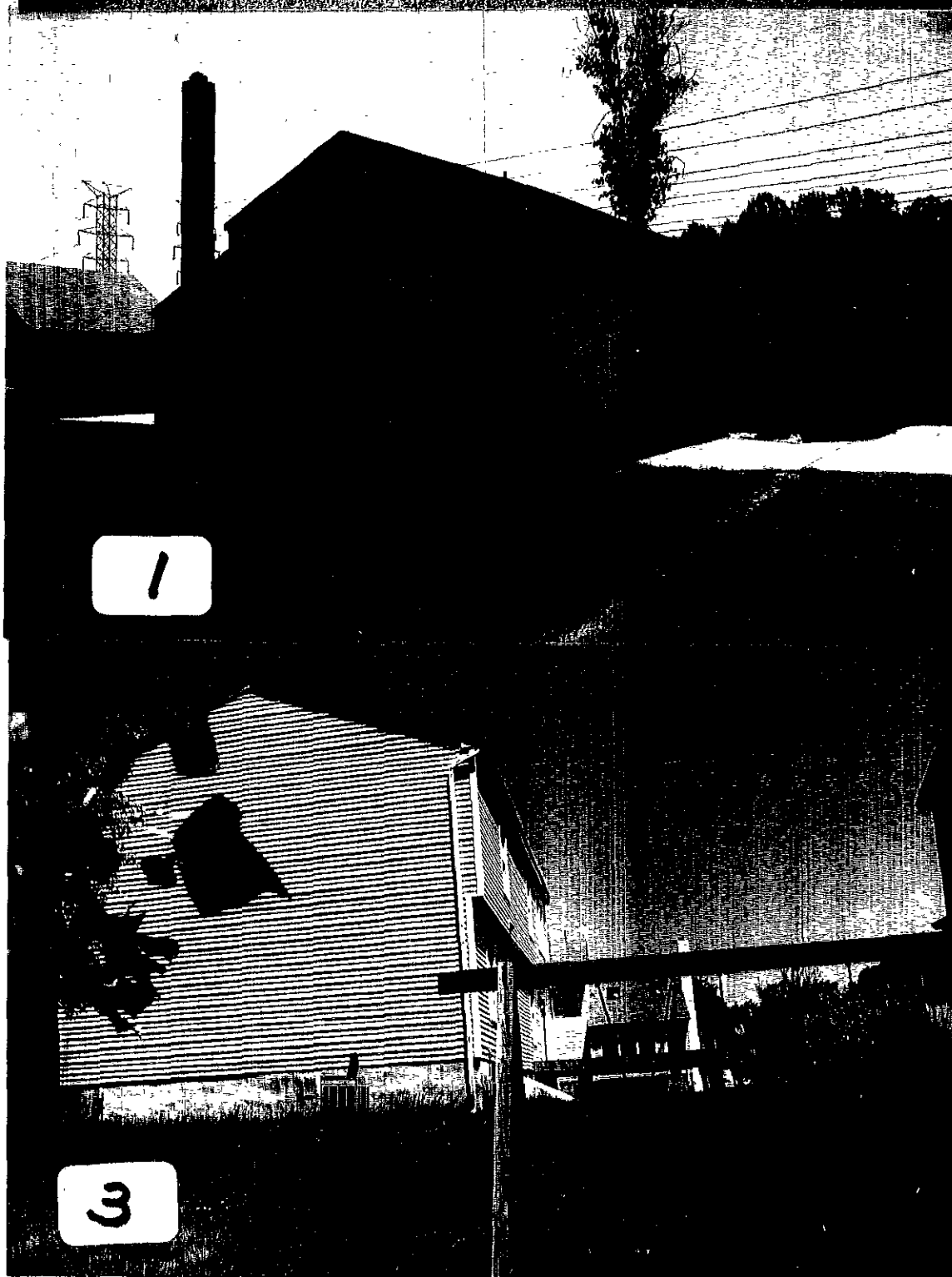
**97-9-A**

97-9-A

9100 Naygall  
Road. Glen Mill  
Estates, lot 40  
Front view of  
house



Picture taken  
from Pipistern  
diversion (right  
foreground)  
looking S.W.  
away from Naygall  
Road. Picture shows  
left side of house  
with a partial  
view of front  
house. The small  
unusual building  
deck can be seen  
on left side of  
photo as it projects  
from the back of the  
house.



view of right side  
of house with the  
deck seen at the  
right of photo.  
Behind deck is  
the rear of the  
house at 9100  
Naygall Road,  
lot 39

558

now owned by them or either of them  
 which lie within five hundred feet of  
 any part of the tract of land hereby and  
 all of such restrictions shall be made con-  
 cerning with the said lands of the  
 grantors here in their heirs and assigns  
 And the said grantors hereby covenant that  
 they have not done nor suffered to be done  
 any act matter or thing whatsoever to  
 encumber the property hereby granted that  
 they will warrant especially the property  
 hereby granted and conveyed and that they  
 will execute such further assurances of  
 said land as may be requisite  
 Witness the hands and seals of the said gran-  
 tors

Test

A. A. Levin

Ida Grace Karsch (Seal)

Edward M. Karsch (Seal)

Mary Laura Busby (Seal)

State of Maryland

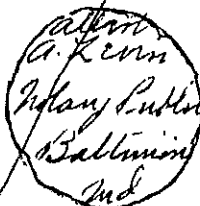
City of Baltimore To Wit

I Herby certify that on this 2nd day of Au-  
 gust in the year one thousand nine hun-  
 dred and twenty two before me the sub-  
 scribe a Notary Public of the State of Mary-  
 land in and for the City aforesaid person-  
 ally appeared Ida Grace Karsch and  
 Edward M. Karsch her husband and Mary  
 Laura Busby the within named grantors  
 and they acknowledged the foregoing  
 Deed to be their act

As Witness my hand and Notarial seal

Albert A. Levin

Notary Public



Recorded Aug 3, 1922 at 11.00 A.M.  
 per William P. Cole, Clerk

2536

vss

2530

DELIVERED

PER TICKET

JUL 31 1922

Sallie C. Russell

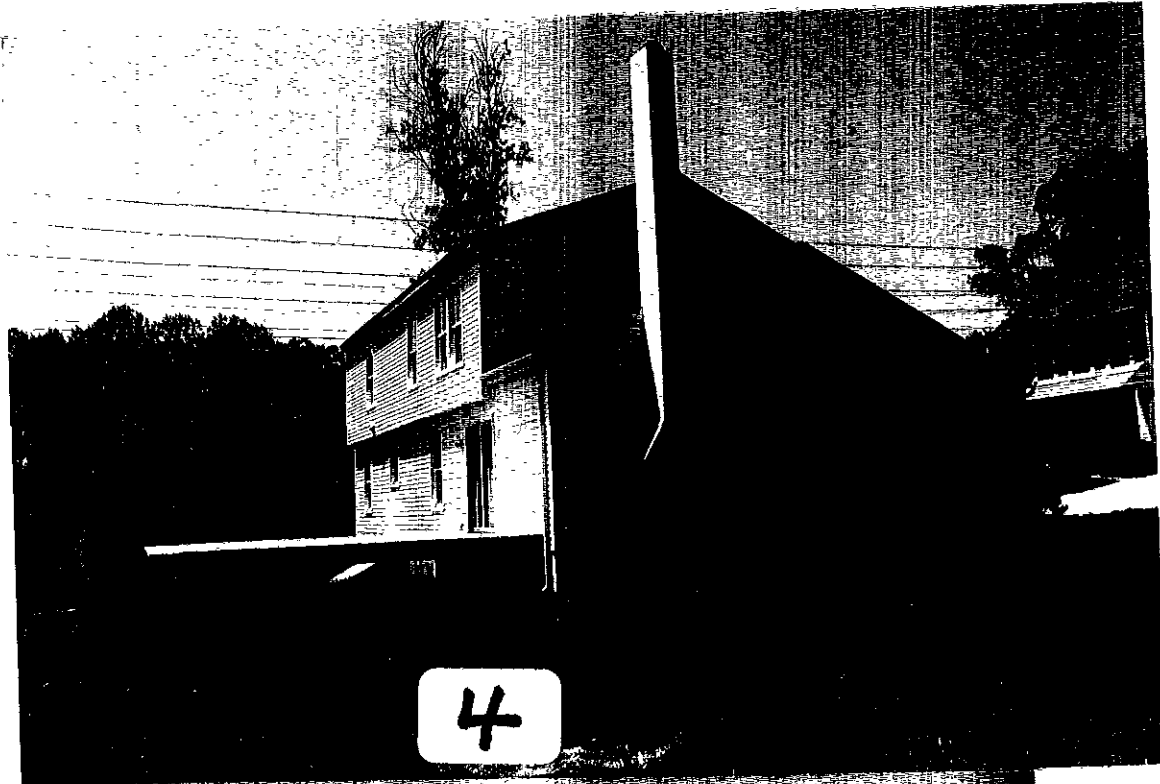
widow

Deed to

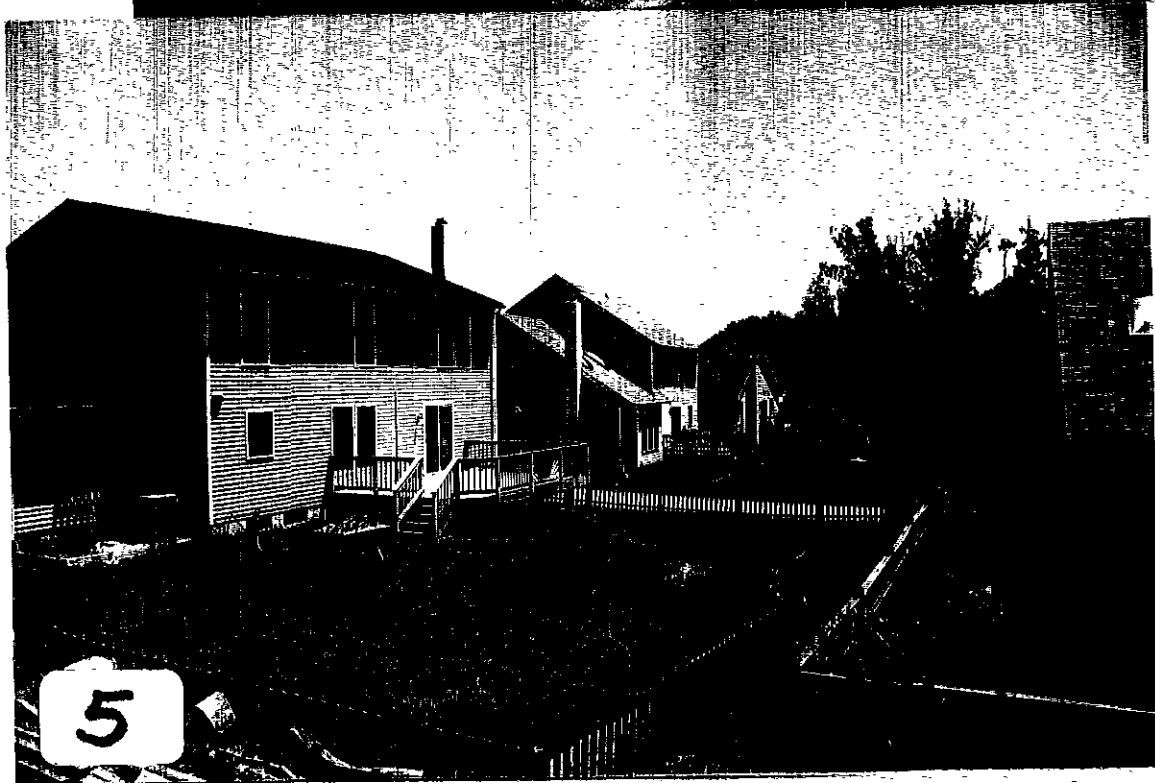
Ellis Finkelstein

and wife

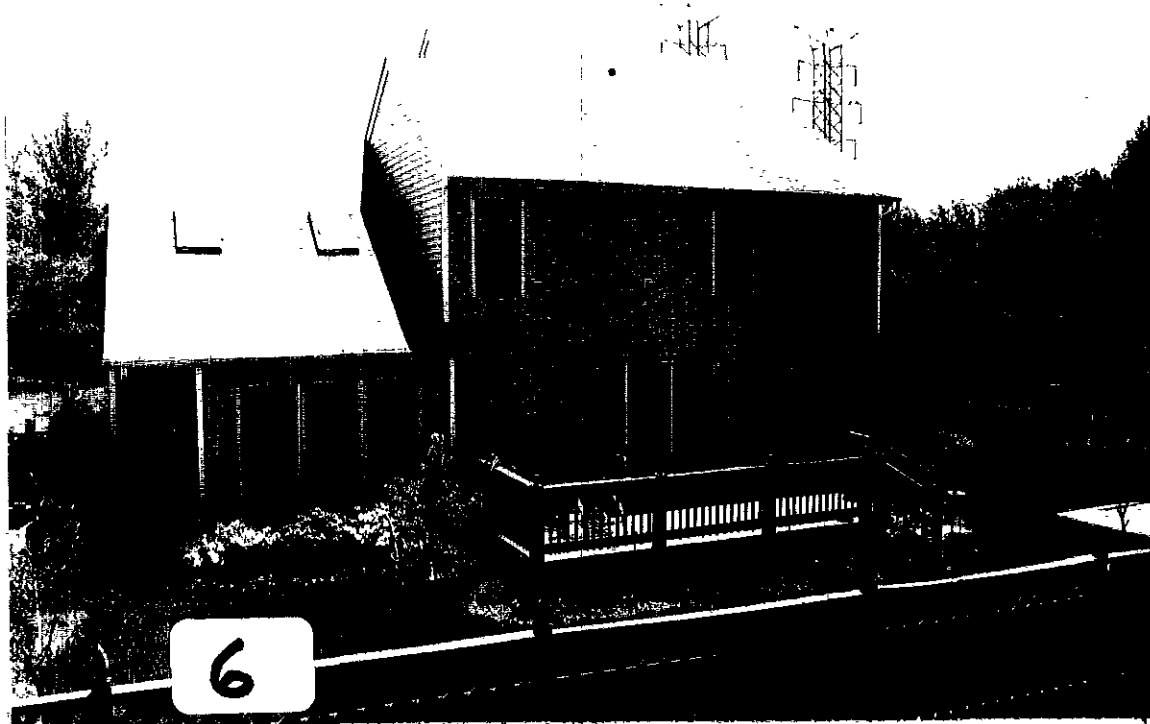
This Deed made the 29th  
 day of July 1922 by and  
 between Sallie C. Russell  
 widow of Baltimore City  
 in the State of Maryland  
 party of the first part Grantor



Picture shows the left side of the house from a rear angle which clearly shows the left side of the subject deck and its abutment with the rear of the house.



Picture shows at the left the house at 9050 Naygall Road (lot #38) which shows a spacious deck of the type common on many pipestem properties in the neighborhood.



This picture shows the house at 9048 Naygall Rd. (lot #37) which is the property which shares the same rear property line as the subject property on which property line the fence in the foreground of the picture was built. This picture was taken from the subject

deck at 9100 Naygall Rd. The front of the house shown in this picture faces on the next Pipestem S.E. of the pipestem S.E. of the pipestem on which 9100 Naygall faces



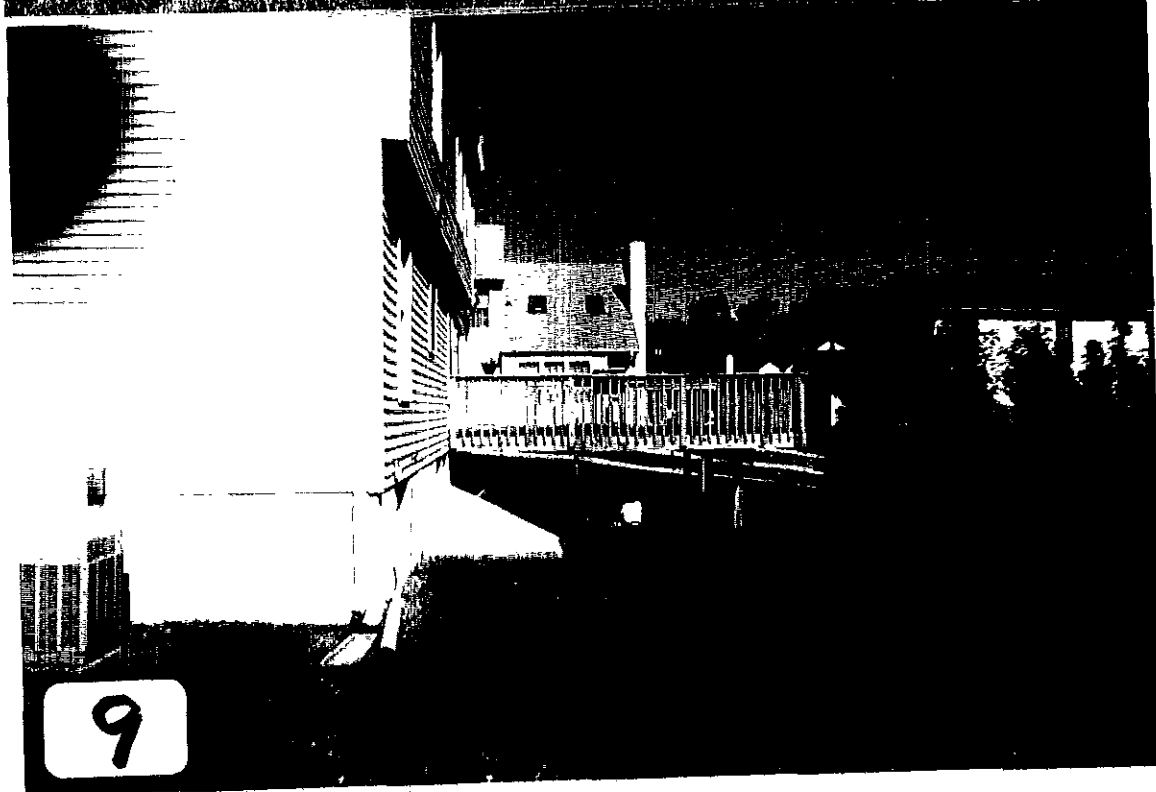
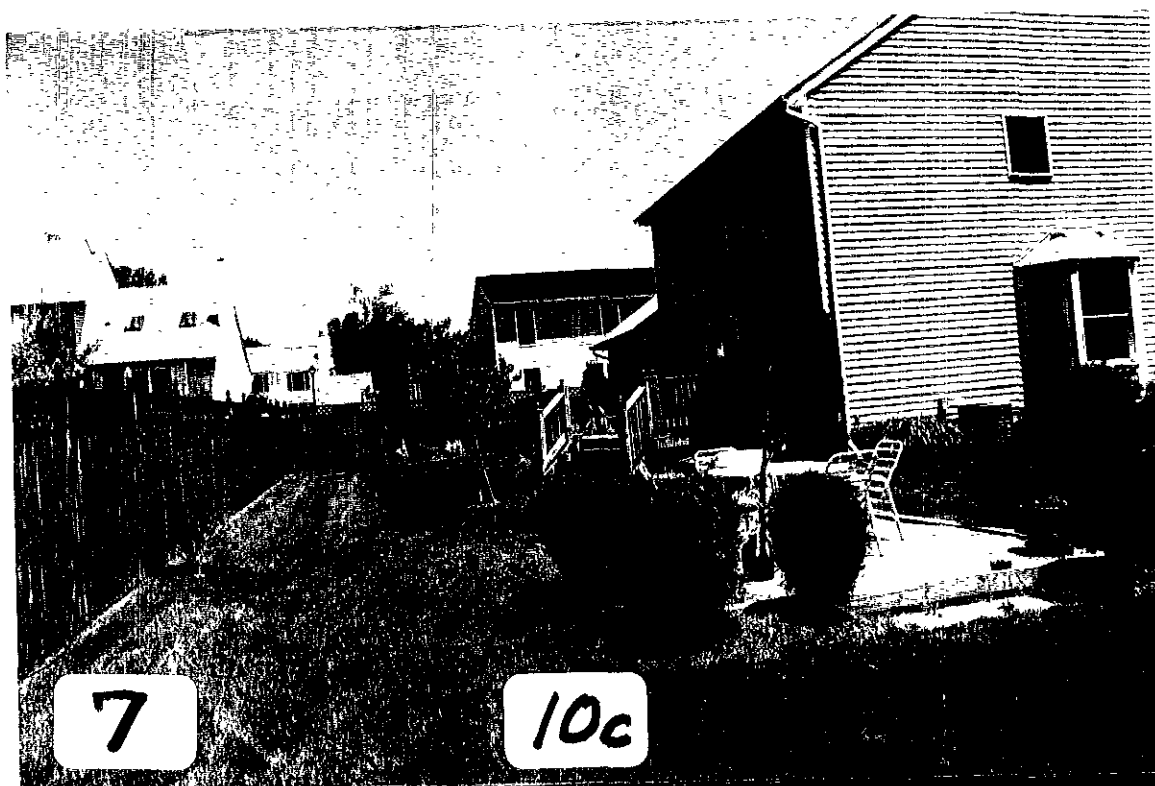
Plates

Case # 979A

MICROFILMED









CASE # 97.9.A  
Set for 11:AM today he

Postponed. It will be

Please write name: Address  
to be notified of new c

MICROFILMED

JACK FOODOS

Case 11/02/11 80

of trees necessary to properly screen the deck from the Foudous property. It shall be a restriction of this approval that a landscape plan be submitted and approved by Mr. Harden and implemented during the next growing season. Moreover, the trees shall be maintained so as to provide buffering. Clearly, some type of evergreen or non-deciduous trees are appropriate so that the buffer can remain in place year round.

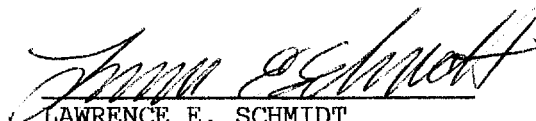
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of January 1997 that a variance from Sections 504.2 and 301.1.A of the Baltimore County Zoning Regulations (BCZR); as well as Section V.B.6.b of the CMDP, to permit a deck with a rear yard setback of 11 ft. 4 inches to the property line, in lieu of the required 22 ft. 6 inches, be and is hereby GRANTED; and,

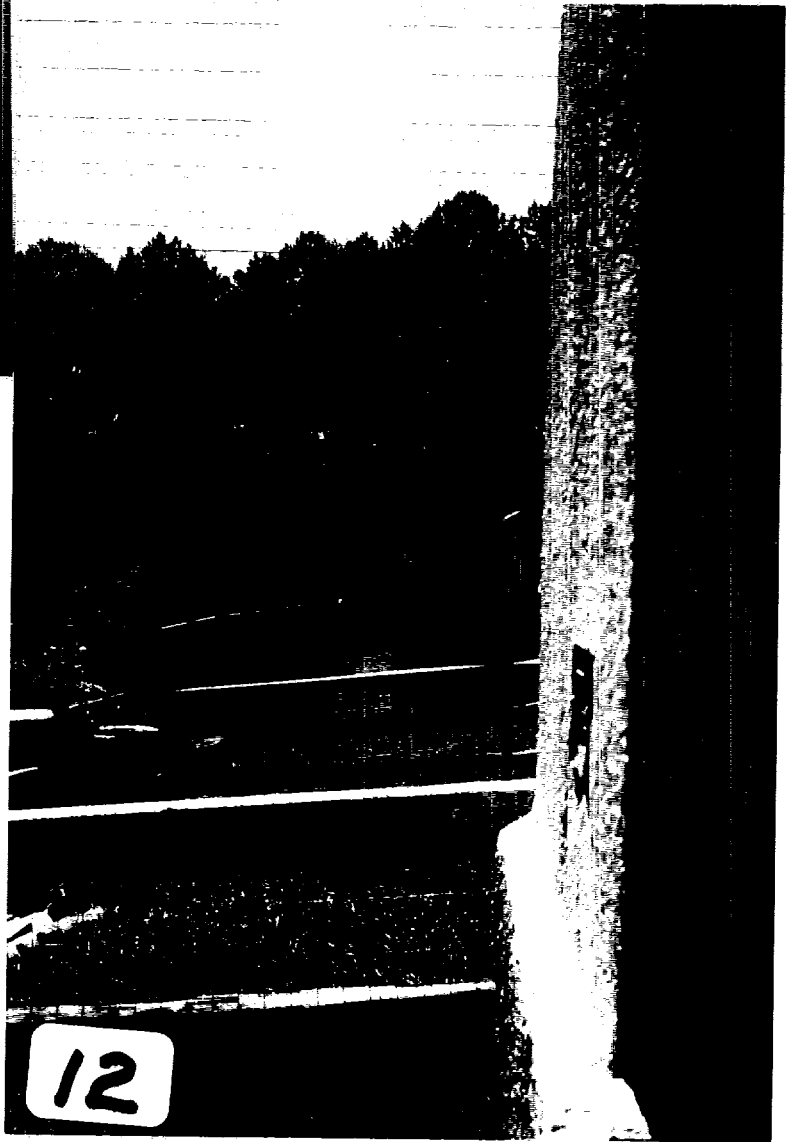
IT IS FURTHER ORDERED that an amendment to the Final Development Plan for Glen Mill Estates, be and is hereby GRANTED, subject, however, to the following restriction:

1. The property owners, within 60 days from the date hereof, shall submit to the County's Landscape Architect, a landscape plan for his review and approval. Such plan shall detail the number, species, size and height of trees and landscaping to be installed along the rear of the property to buffer the subject deck from the Foudous property. Such planting shall be made during the next growing season, at the direction of Mr. Harden. A copy of the final landscape plan, as approved by Mr. Harden, shall be furnished to Mr. Foudous.

Any appeal from this decision must be taken in accordance with the applicable provisions of the law.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mmnn





APPLICATION FOR PERMIT  
BALTIMORE COUNTY MARYLAND  
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

DATE: 8/30/96

OEA: JB  
HISTORIC DISTRICT/BLDG.

PERMIT #: B-  
RECEIPT #: A-  
CONTROL #: C-  
EFFECT #:

PROPERTY ADDRESS 639 Main Street  
SUITE/SPACE/FLOOR Reisterstown, MD 21136  
SUBDIV: BROADBENT  
TAX ACCOUNT #: 18-60-013390  
OWNER'S INFORMATION (LAST, FIRST)  
NAME: David Farrell  
ADDR: 64 Main St., Reisterstown, MD 21136

DISTRICT/PRECINCT  
04

DOES THIS BLDG.  
HAVE SPRINKLERS  
YES ☐ NO ☒

E: 35.00 + 100.00 + 100.00 + 12.00  
FID: 247.00  
FID BY: APOL  
SPECTOR:  
I HAVE CAREFULLY READ THIS APPLICATION  
AND KNOW THE SAME IS CORRECT AND TRUE,  
AND THAT IN DOING THIS WORK ALL PROVI-  
SIONS OF THE BALTIMORE COUNTY CODE AND  
APPROPRIATE STATE REGULATIONS WILL BE  
COMPLIED WITH WHETHER HEREIN SPECIFIED  
OR NOT AND WILL REQUEST ALL REQUIRED  
INSPECTIONS.

BUILDING 1 or 2 FAM.

BOCA CODE ☒

TYPE OF IMPROVEMENT

NEW BLDG CONST

☒ ADDITION

☒ ALTERATION

REPAIR

WRECKING

MOVING

☒ OTHER Coc

TYPE OF USE

RESIDENTIAL

ONE FAMILY  
TWO FAMILY  
THREE AND FOUR FAMILY  
FIVE OR MORE FAMILY  
(ENTER NO UNITS)  
SWIMMING POOL  
GARAGE  
OTHER

TYPE OF FOUNDATION

SLAB  
BLOCK  
CONCRETE

BASEMENT

1. FULL  
2. PARTIAL  
3. NONE

TYPE OF CONSTRUCTION

MASONRY  
WOOD FRAME  
STRUCTURE STEEL  
REINF. CONCRETE

CENTRAL AIR: 1.

ESTIMATED COST: \$ 500,000.00

MATERIALS AND LABOR

PROPOSED USE: ASSISTED LIVING FACILITY & NURSING HOME  
EXISTING USE: SED

OWNERSHIP  
1. ☒ PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE  
FF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIGHRISE

FAMILY BEDROOMS

APPLICANT INFORMATION

NAME: David Farrell  
COMPANY: 639 Main Street, LLC  
STREET: 639 Main Street  
CITY, ST, ZIP: Reisterstown, MD 21136  
PHONE #: (410) 526-1400 MHIC LICENSE #:

APPLICANT

SIGNATURE: Elizabeth Denoghen TRACT:

BLOCK:

PLANS: CONST PLOT PLAT DATA

EL PL

TENANT

CONTR: OWNER

ENGR:

SELLER: SARA BROADBENT

5153 NORFOLK PARK RD. COLUMBIA, MD. 21044

USE PERMIT FILED (AT OWN RISK FOR CLASS ALE FOR 15 RESIDENTS)  
DESCRIBE PROPOSED WORK:  
Change of Occupancy from residential to Assisted Living for 15 Elderly people. Elevator installation (separate permit required)

NON-RESIDENTIAL

08. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY  
09. CHURCH, OTHER RELIGIOUS BUILDING  
10. FENCE (LENGTH HEIGHT)  
11. INDUSTRIAL, STORAGE BUILDING  
12. PARKING GARAGE  
13. SERVICE STATION, REPAIR GARAGE  
14. HOSPITAL, INSTITUTIONAL, NURSING HOME  
15. OFFICE, BANK, PROFESSIONAL  
16. PUBLIC UTILITY  
17. SCHOOL, COLLEGE, OTHER EDUCATIONAL  
18. SIGN  
19. STORE MERCANTILE RESTAURANT  
20. SWIMMING POOL  
21. TANK TOWER  
22. TRANSIENT HOTEL, MOTEL (NO. UNITS)  
23. OTHER ASSISTED LIVING FACILITY

TYPE OF HEATING FUEL

TYPE OF SEWAGE DISPOSAL

1. GAS 3. ELECTRICITY  
2. OIL 4. COAL

1. PUBLIC SEWER EXISTS PROPOSED  
2. PRIVATE SYSTEM EXISTS PROPOSED  
SEPTIC EXISTS PROPOSED  
PRIVY EXISTS PROPOSED

TYPE OF WATER SUPPLY

1. PUBLIC SYSTEM EXISTS PROPOSED  
2. PRIVATE SYSTEM EXISTS PROPOSED

OWNERSHIP  
1. ☒ PRIVATELY OWNED 2. PUBLICLY OWNED 3. SALE 4. RENTAL

RESIDENTIAL CATEGORY: 1. DETACHED 2. SEMI-DET. 3. GROUP 4. TOWNHSE 5. MIDRISE  
FF: #1BED: #2BED: #3BED: TOT BED: TOT APTS/CONDOS: 6. HIGHRISE

FAMILY BEDROOMS





PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

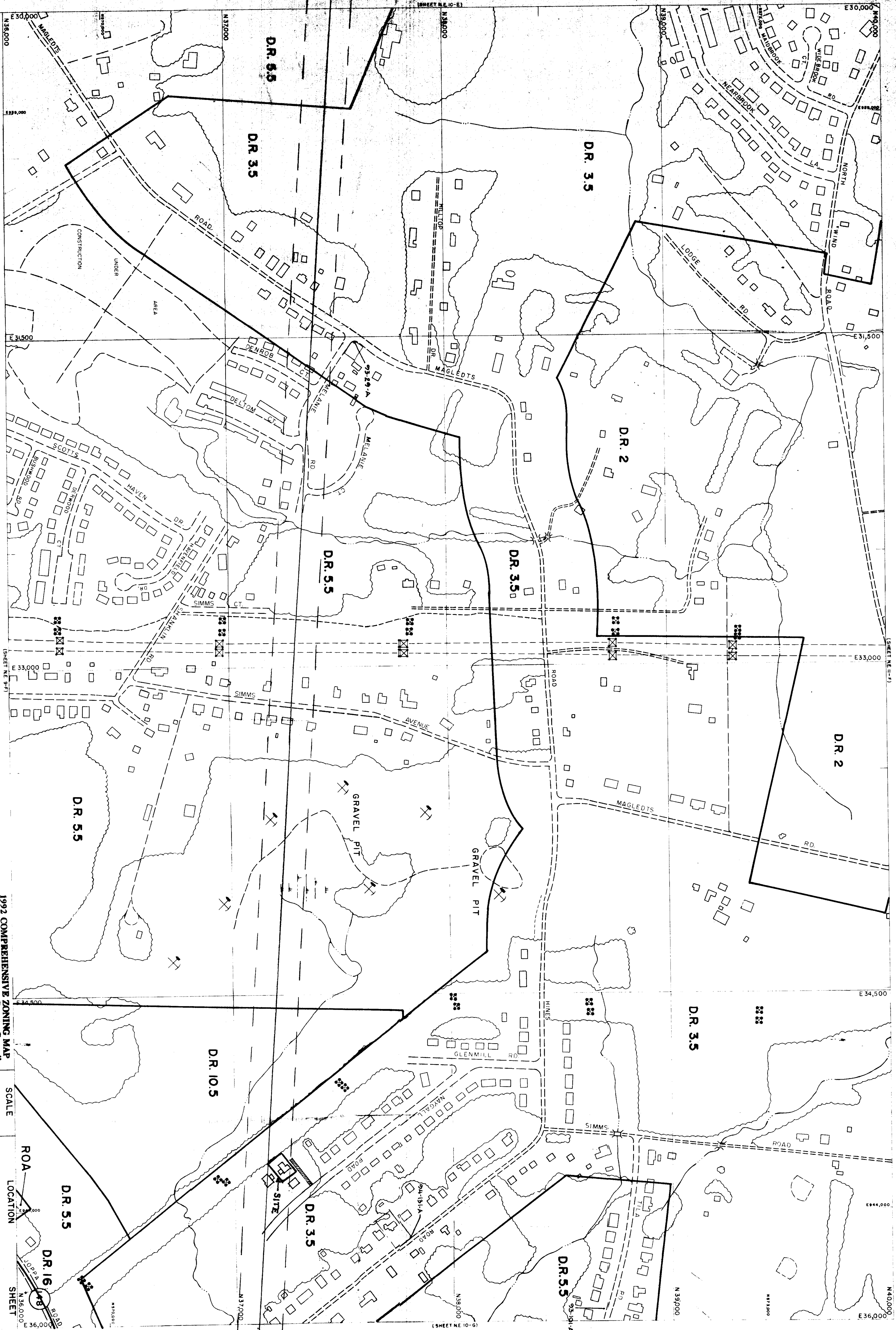
BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	CARNEY	N.E.
DATE OF PHOTOGRAPHY JANUARY 1955	PERRY HALL	10-F
MICROFILMED		

97-9-A



97-9-A



N-NE M-NW  
R-SE Q-SW

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

SCALE  
1" = 200'  
DATE OF PHOTOGRAPHY  
JANUARY 1986  
LOCATION  
CARNEY  
PERRY HALL  
N.E.  
10-F

MICROFILMED

*William Howard*  
Baltimore County Council



NOTE: A LANDSCAPE PLAN MUST BE APPROVED BY THE OFFICE OF PLANNING PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

HINES ROAD

NOTE: EXISTING SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS AND ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPES BUT MUST COMPLY WITH SECTIONS 400 & 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

NOTE: NO WINDOWS N.E. END, AND NO WINDOWS S.E. END, OF UNITS. AS NECESSARY TO CONSTRUCT ROADWAY CULVERT OR STORM WATER MANAGEMENT FACILITIES AREAS THAT NEED TO BE DISTURBED ARE TO BE RE-VEGETATED WITH APPROPRIATE WETLAND GRASSES, SHRUBS AND TREES. HEIGHT TO HEIGHT RELATIONSHIP PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.

2" CAL. SETBACK REQUIREMENTS:  
WINDOW TO WINDOW = 40'  
WINDOW TO STREET BOUNDARY = 35'  
WINDOW TO STREET R/W = 25'  
WINDOW TO LOT LINE = 15'  
BUILDING TO TRACT BOUNDARY = 30'

VINCENT MAFFIETTO  
ET UX  
3050/544

J. CALVIN  
GARLAND  
ET UX  
1894/29

ERNEST C. MARVIC  
FEIST, JR.  
3050/544

WALTER J. BORG  
ET UX  
6487/105

WILLIAM J. DESPRAU  
5071/314

WILLIAM H. WHEAT  
ET UX  
5570/610

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IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
W/S Naygall Road, 960 ft. +/- \* ZONING COMMISSIONER  
SE of C/I Glenmill Road \* 9100 Naygall Road  
11th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District \* William W. Mainati, Sr., et ux \* Case No. 97-9-A  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for a Zoning Variance for the property located at 9100 Naygall Road in the Glen Mill Estates subdivision of Baltimore County. The Petition was filed by William W. Mainati, Sr., and Ellen Marie Mainati, his wife, former property owners. Variance relief is requested from Sections 504.2 and 301.1.A of the Baltimore County Zoning Regulations (BCZR); as well as Section V.B.6.b of the CMDF, to permit a deck with a rear yard setback of 11 ft. 4 inches to the property line in lieu of the required 22 ft. 6 inches. Also requested is an amendment to the Final Development Plan for Glen Mill Estates. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was William W. Mainati, Sr., Petitioner. It is of note that subsequent to the filing of the Petition, Mr. and Mrs. Mainati sold the subject property to Michael R. Salvarola and Diane T. Salvarola. Mr. and Mrs. Salvarola also appeared at the public hearing in support of the request. Also present in support of the Petition was Mr. Charles L. Pistorino, Sr. and Louis J. Ecker, III. Appearing in opposition to the request was Louis J. Foudous. Mr. Foudous resides at 9048 Naygall Road and shares a common rear property line with the subject property.

Testimony and evidence presented at the hearing was that the subject

property is approximately .232 acres in area, zoned D.R.3.5. The property is improved with a single family dwelling known as 9100 Naygall Road. Vehicular access to the property is by way of a pipe stem driveway which leads from the aforementioned Naygall Road. The dwelling fronts the driveway and faces another existing single family dwelling on the other side of the driveway. The one side yard of the property abuts the single family dwelling owned by Mr. and Mrs. Ecker, known as 9052 Naygall Road. The other side of the yard adjoins a Baltimore Gas and Electric Power Company power line easement. As noted above, the rear of the property abuts the rear property line of 9048 Naygall Road, owned by Mr. and Mrs. Foudous.

Mr. Mainati testified that he formerly owned the property and constructed a deck attached to the rear of the dwelling in April of 1995. This construction was undertaken by himself and friends and was performed without the benefit of a permit from Baltimore County. Mr. Mainati testified that he constructed the deck to provide more living area and as an enhancement to the house. The deck is shown in a series of photographs that were submitted at the hearing and I also observed the property and its environs during a site inspection. Mr. and Mrs. Salvarola testified that they purchased the house from Mr. and Mrs. Mainati on July 30, 1996. They have five children and want to retain the deck. They indicated that the deck was constructed at its most practical location and that access thereto is from the rear of the house. Other neighbors present supported the request.

Mr. Foudous is the arguably the most affected property owner and, as noted above, resides immediately to the rear of the subject property. He is the original owner of this dwelling in this subdivision, having resided here for approximately 10 years. Mr. Foudous testified that he opposes

-2-

the location of the deck primarily due to the topography of the property. As was readily apparent both in the photographs and during my site inspection, the rear yard of the subject property slopes downward from the house. In that the deck is built straight from the main floor, it is, therefore, elevated and the height of the deck off of the ground increases as the structure leads from the house. Mr. Foudous notes that this change in elevation causes the appearance that the deck overlooks his yard, thereby invading his privacy and detrimentally affecting his property.

This is a difficult case. Certainly, the subject property owner should be able to enjoy their property and their deck. The deck appears structurally sound and is compatible with the neighborhood. Moreover, I did not, during my site visit, see any other location where the deck could be attached to the house. The uniqueness of this property is due to its topography. The deck cannot be constructed to either side of the dwelling because of the narrowness of the lot and the slope limits the use of the property.

Nonetheless, serious consideration must be given to Mr. Foudous' concerns. He is entitled to a reasonable degree of privacy. I must consider whether the location of the deck would detrimentally affect his rights.

Based upon all of the testimony and evidence offered, I am persuaded to grant the Petition for Zoning Variance. However, I will restrict same so as to reduce the impact on the Foudous property. In this regard, the deck will remain in its present configuration and location. I will require the property owners to install a landscape buffer along the rear of the deck to shield the view of same from the Foudous property. I will also require the property owner to consult with Baltimore County's Landscape Architect, Avery Harden, for his input as to the nature, size and number

ORDER RECEIVED FOR FILING

Date 7/19/97

By [Signature]

-3-

of trees necessary to properly screen the deck from the Foudous property. It shall be a restriction of this approval that a landscape plan be submitted and approved by Mr. Harden and implemented during the next growing season. Moreover, the trees shall be maintained so as to provide buffering. Clearly, some type of evergreen or non-deciduous trees are appropriate so that the buffer can remain in place year round.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10<sup>th</sup> day of January 1997 that a variance from Sections 504.2 and 301.1.A of the Baltimore County Zoning Regulations (BCZR); as well as Section V.B.6.b of the CMDF, to permit a deck with a rear yard setback of 11 ft. 4 inches to the property line, in lieu of the required 22 ft. 6 inches, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that an amendment to the Final Development Plan for Glen Mill Estates, be and is hereby GRANTED, subject, however, to the following restriction:

1. The property owners, within 60 days from the date hereof, shall submit to the County's Landscape Architect, a landscape plan for his review and approval. Such plan shall detail the number, species, size and height of trees and landscaping to be installed along the rear of the property to buffer the subject deck from the Foudous property. Such planting shall be made during the next growing season, at the direction of Mr. Harden. A copy of the final Landscape plan, as approved by Mr. Harden, shall be furnished to Mr. Foudous.

Any appeal from this decision must be taken in accordance with the applicable provisions of the law.

LES/mnn

-4-



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

January 7, 1997

Mr. and Mrs. William W. Mainati, Sr.  
6698 South Clayton Street  
Littleton, Colorado 80121

Mr. and Mrs. Michael R. Salvarola  
9100 Naygall Road  
Baltimore, Maryland 21234

RE: Case No. 97-9-A  
Petition for Zoning Variance  
Property: 9100 Naygall Road

Ladies and Gentlemen:

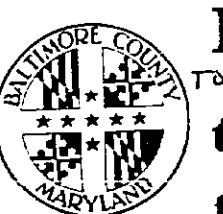
Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
[Signature]  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mnn  
att.

- c: Mr. Louis J. Foudous, 9048 Naygall Road, Baltimore, Md. 21234  
c: Mr. C.L. Pistorino, Sr., 1960 Rockingham St., McLean, Va. 22101  
c: Mr. Louis J. Ecker III, 9052 Naygall Road, Baltimore, Md. 21234



### Petition for Administrative Variance AND TO AMEND THE FINAL DEVELOPMENT PLAN OF GLEN MILL ESTATES to the Zoning Commissioner of Baltimore County

for the property located at 9100 Naygall Rd., Baltimore, MD  
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504.2, 301.1A (BCZR), V.B.6.b (C.M.D.P.); to permit a deck with a rear yard setback of 11' 4" to property line in lieu of the required 22' 6".

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The combination of this old zoning regulation (1955) and the relative narrowness of the building envelope for our pipe-stem lot, unfairly severely restricts the size of deck we are permitted to attach to our house and, therefore, the present-day beneficial use that should be expected for our size property, as compared to the vast majority of the houses in our development.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Purchaser/Lessee  
Name of Petitioner  
Signature  
Address  
City State Zip Code  
Attorney for Petitioner  
Name of Petitioner  
Signature  
Address  
City State Zip Code  
Name of Petitioner  
Signature  
Address  
City State Zip Code  
Name of Petitioner  
Signature  
Address  
City State Zip Code

A Public Hearing having been requested and/or held to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10th day of January 1997, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be inspected.

RECEIVED BY [Signature] DATE 7-19-96  
ESTIMATED POSTING DATE 7-21-96  
ITEM # 10

### Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 6698 South Clayton Street

Littleton, Colorado 80121

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at 9100 Naygall Rd., Baltimore, Maryland, of which property we are the present legal owners.

The facts upon which we base our request for an administrative variance, and the relief sought, are given on a separate sheet, attached herewith.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William Walter Mainati, Sr.  
Ellen Marie Mainati

I HEREBY CERTIFY, this 8th day of June, 1996, before me, a Notary Public of the State of Colorado, and for the County of Arapahoe, personally appeared

William Walter Mainati, Sr. and Ellen Marie Mainati

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 8, 1996  
[Signature]  
Notary Public Expires 2-27-1997

Attachment to:

Affidavit in Support of Administrative Variance  
In regard to the property located at 9100 Naygall Road, Baltimore, Maryland

An imminent large family gathering at our home prompted us to quickly consider attaching an open deck to our house for the convenience of our guests. Since there was not much time until the event, and not knowing anything about building envelopes, we noted the many existing decks in our neighborhood and built our deck, based on property lines, to the same general size and shape as most of the other decks in the neighborhood.

Upon application for a building permit, we found that zoning regulation SECTION 301 severely restricts the size of decks on houses in our neighborhood located on pipe-stems; as our house is, because of the relative narrowness of the building envelope applied to our pipe-stem lot, as compared to the size of decks permitted on houses in the neighborhood which front on the street.

This zoning regulation, which refers to carports and PORCHES, was enacted in 1955, some forty years ago, long before the present prevailing popularity of, desire for, expectancy and general acceptance of spacious attached open decks.

It is considered that strict application of this old provision of the zoning regulation, especially when applied to building envelopes that are unfairly restricted in size for pipe-stem houses, compared to the building envelopes for the other houses in our single-family home development, in which all the houses are substantially equally sized and on substantially equally sized lots, would result in undue hardship to us in denying to us a moderately spacious open deck, and, therefore, the full enjoyment of this widely accepted present-day beneficial use of our property which is accorded to the vast majority of our neighbors.

To relieve this hardship, we hereby request the grant of a variance from SECTION 301 to complete the 18' x 20' deck shown on the attached plat.

[Signature]  
Signature  
William Walter Mainati, Sr.

[Signature]  
Signature  
Ellen Marie Mainati

STATE OF COLORADO, COUNTY OF ARAPAHOE, to wit:

I HEREBY CERTIFY, this 8th day of June, 1996, before me, a Notary Public of the State of Colorado, in and for the County aforesaid, personally appeared

William Walter Mainati, Sr. and Ellen Marie Mainati

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 8, 1996

[Signature]  
NOTARY PUBLIC

My Commission Expires 2-27-1997



ZONING DESCRIPTION for:

9100 NAYGALL RD.

Beginning at a point on the SOUTHWEST side of NAYGALL RD. which is 50' wide at the distance of 860 feet SOUTHEAST of the centerline of the nearest improved intersecting street GLENMILL RD., which is 50' wide. Being Lot #40 in the subdivision of GLEN MILL ESTATES as recorded in Baltimore County Plat Book #55, Folio #118, containing 0.232 acres. Also known as 9100 NAYGALL RD. and located in the 11th Election District, 5th Councilmanic District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th Date of Posting: 9/24/96  
Posted for: Oct 8, 1996 hearing  
Petitioner: Malnati  
Location of property: 9100 Naygall Rd  
Location of Sign: front of property  
Remarks: \_\_\_\_\_  
Posted by: Wm. Taylor Date of return: \_\_\_\_\_  
Number of Signs: \_\_\_\_\_

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th Date of Posting: 7/24/96  
Posted for: Variance  
Petitioner: Wm. Walter Malnati, Sr. and Ellen Marie Malnati  
Location of property: 9100 Naygall Rd. W/S  
Location of Sign: front of property  
Remarks: \_\_\_\_\_  
Posted by: Wm. Taylor Date of return: 7/24/96  
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 7-7-96 ACCOUNT: Fee - \$150  
AMOUNT: \$ 85.00  
RECEIVED FROM: William Malnati, Sr.  
FOR: RV + SIGN  
VALIDATION OR SIGNATURE OF CASHIER: J. C. J.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 10 Petitioner: William Malnati, Sr.

Location: 9100 Naygall Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Charles Pistorino, Sr.

ADDRESS: 1960 Parkington St.

Mt. Airy, Va 22101

PHONE NUMBER: 703-536-9364

12



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

July 18, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 97-9-A (Item 10)  
9100 Naygall Road  
W/S Naygall Road, 860' +/- SE of c/l Glenmill Road  
11th Election District - 5th Councilmanic  
Legal Owner(s): William Walter Malnati, Sr. and Ellen Marie Malnati

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before July 21, 1996. The closing date (August 5, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon  
Director

cc: William and Ellen Malnati  
Charles L. Pistorino, Sr.

TO: PAYMENT PUBLISHING COMPANY  
August 8, 1996 Issue - Jeffersonian

Please forward billing to:  
Charles L. Pistorino, Sr.  
1960 Buckingham Street  
Mt. Airy, VA 22101  
703-536-9364

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-9-A (Item 10)  
9100 Naygall Road  
W/S Naygall Road, 860' +/- SE of c/l Glenmill Road  
11th Election District - 5th Councilmanic  
Legal Owner(s): William Walter Malnati, Sr. and Ellen Marie Malnati

Variance to permit a deck with a rear yard setback of 11 feet, 4 inches to property line in lieu of the required 22 feet, 6 inches and to amend the Final Development Plan of Glen Mill Estates.

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAURENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 2, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-9-A (Item 10)  
9100 Naygall Road  
W/S Naygall Road, 860' +/- SE of c/l Glenmill Road  
11th Election District - 5th Councilmanic  
Legal Owner(s): William Walter Malnati, Sr. and Ellen Marie Malnati

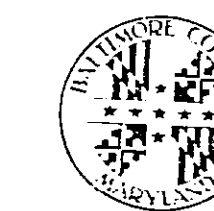
Variance to permit a deck with a rear yard setback of 11 feet, 4 inches to property line in lieu of the required 22 feet, 6 inches and to amend the Final Development Plan of Glen Mill Estates.

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 11:00 a.m. in Room 106, County Office Building.

Arnold Jablon  
Arnold Jablon  
Director

cc: William and Ellen Malnati  
Charles L. Pistorino, Sr.  
Louis J. Foudos, Jr.  
F. Richard Warzynicki  
Mary J. Haachek  
Linda DiStefano  
Elizabeth LaBruto  
Rose Grosser

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 9, 1996

NOTICE OF REASSIGNMENT

Rescheduled from 9/4/96  
CASE NUMBER: 97-9-A (Item 10)  
9100 Naygall Road  
W/S Naygall Road, 860' +/- SE of c/l Glenmill Road  
11th Election District - 5th Councilmanic  
Legal Owner(s): William Walter Malnati, Sr. and Ellen Marie Malnati

Variance to permit a deck with a rear yard setback of 11 feet, 4 inches to property line in lieu of the required 22 feet, 6 inches and to amend the Final Development Plan of Glen Mill Estates.

HEARING: TUESDAY, OCTOBER 8, 1996 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland.

Arnold Jablon  
Arnold Jablon  
DIRECTOR

cc: William and Ellen Malnati  
Charles Pistorino, Sr.  
Louis J. Foudos, Jr.  
F. Richard Warzynicki  
Mary J. Haachek  
Linda DiStefano  
Elizabeth LaBruto  
Rose Grosser





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 1, 1996

William and Ellen Malnati  
6698 South Clayton Street  
Littleton, Colorado 80121

RE: Item No.: 10  
Case No.: 97-9-A  
Petitioner: William Malnati, et ux

Dear Mr. and Mrs. Malnati:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 21, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Rubanks in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

7-19-96

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 010 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free  
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 787 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: 7/19/96  
FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM  
SUBJECT: Zoning Advisory Committee  
Meeting Date: 7/19/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:  
8  
9  
10  
13  
16

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management  
DATE: July 19, 1996  
FROM: Pat Keller, Director  
Office of Planning  
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 10, 11, 12, 13, 15, and 16

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey W. Long*  
Division Chief: *Carol L. Kins*

PK/JL

ITEM10/PZONE/TXTJWL

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410)887-4800

DATE: 07/23/96

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 22, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 008, 009, 010, 013, 014, 015 AND 016.

REVIEWER: LT. ROBERT P. SAUERHALD  
Fire Marshal Office. PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management  
DATE: July 22, 1996  
FROM: Robert W. Bowling, Chief  
Development Plans Review Division  
SUBJECT: Zoning Advisory Committee Meeting  
for July 22, 1996  
Item Nos. 008, 009, 010, 015 & 016

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:H20:jrb

cc: File

ZONE19

PETITION PROBLEMS

#10 --- JCM

1. No fee was charged for special hearing to amend the final development plan.

#11 --- MJK

1. No telephone number for legal owner.

#12 --- MJK

1. Petitioner's copy of receipt still in folder.

#13 --- MJK

1. No undersized lot information in folder.

#14 --- MJK

1. No undersized lot information in folder.

#16 --- JRA

1. No review information on bottom of petition form.
2. No item number on any papers in folder.
3. Who signed for contract purchaser? - Need authorization.

July 16, 1996



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 2, 1996

William and Ellen Malnati  
6698 South Clayton Street  
Littleton, Colorado 80121

Re: Case Number: 97-9-A  
9100 Neygall Road

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied.

Reposting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and immediately mailed to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Gwen Stephens at 887-3391.

Very truly yours,

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

cc: Charles L. Pistorino, Sr.



August 15, 1996

William W. Malnati, Sr.  
Ellen M. Malnati  
6698 South Clayton Street  
Littleton, Colorado 80121

Mr. Arnold Jablon  
Baltimore County Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Dear Mr. Jablon,

As per our telephone conversation with Ms. Gwen Stephens, we would like to request a continuance for our public hearing, case number 97-9-A Re: 9100 Naygall Road. Neither we nor our representative will be able to attend on the scheduled hearing date set for September 4, 1996.

Therefore we respectfully request that the hearing be continued to any date after September 20, 1996. If our request cannot be granted, please feel free to contact us at our residence 303/738-9737 or at my office 800/228-5023 extension 3080. Your consideration in this matter is greatly appreciated. We will await your response. Until then, we are

Very Truly Yours,  
*William W. Malnati, Sr.*  
William W. Malnati, Sr.

*Ellen M. Malnati*  
Ellen M. Malnati

cc: Charles Pistorino, Sr.  
Michael and Diane Salvarola  
Rene Castrilli

July 27, 1996

Baltimore County  
Dept. of Permits and Development Management  
111 W. Chesapeake Ave.  
Towson, Md. 21204  
Att: Mr. Jablon

Dear Mr. Jablon:

As per my phone conversation with a representative from your department, I am hereby giving written notice of my opposition to the structure built at 9100 Naygall Road Balto.

Md. 21234 (refer to your case # 97-9-A.)

It is my understanding that this deck was built without a permit from Balto. County and is in violation of county codes. This structure appears to be too large for the property and much too close to my property line.

I am requesting your office review this case and correct this matter as soon as possible.

I have enclosed signatures of neighbors also opposed to this structure. I have also enclosed my check in the amount of \$40.00.

Thank You,

*Louis J. Foudos, Jr.*  
Louis J. Foudos, Jr.  
9048 Naygall Road  
Balto. Md. 21234

GWEN

F. Richard Wernick  
9102 Naygall Rd  
Baltimore, Md 21234  
529-5934

May 98 Hedehek  
9102 Naygall Road  
Baltimore, MD 21234  
529-5934

Lidia Distefano  
9044 Naygall Rd.  
Balto. MD 21234

Elyse L. Roberts  
9042 Naygall Rd  
Balto MD 21234

Rose W. Carter  
9042 NAYGALL RD  
BALTO MD 21234

OFFICIAL PRINT (2-266)

PETITIONER(S) SIGN-IN SHEET

NAME  
W.W. MALNATI, SR.

ADDRESS  
6698 SOUTH CLAYTON ST.  
LITTLETON, CO. 80121

C.L. PISTORINO, SR.

960 ROCKINGHAM ST.  
MCLEAN, VA 22101

MICHAEL R. SALVAROLA

9100 NAYGALL RD.

BALTO. MD. 21234

Diane L. Salvarola

9100 Naygall Rd

BALTO, MD 21234

Louis J. Foudos

9052 NAYGALL RD

BALTO. MD 21234

Louis J. Foudos

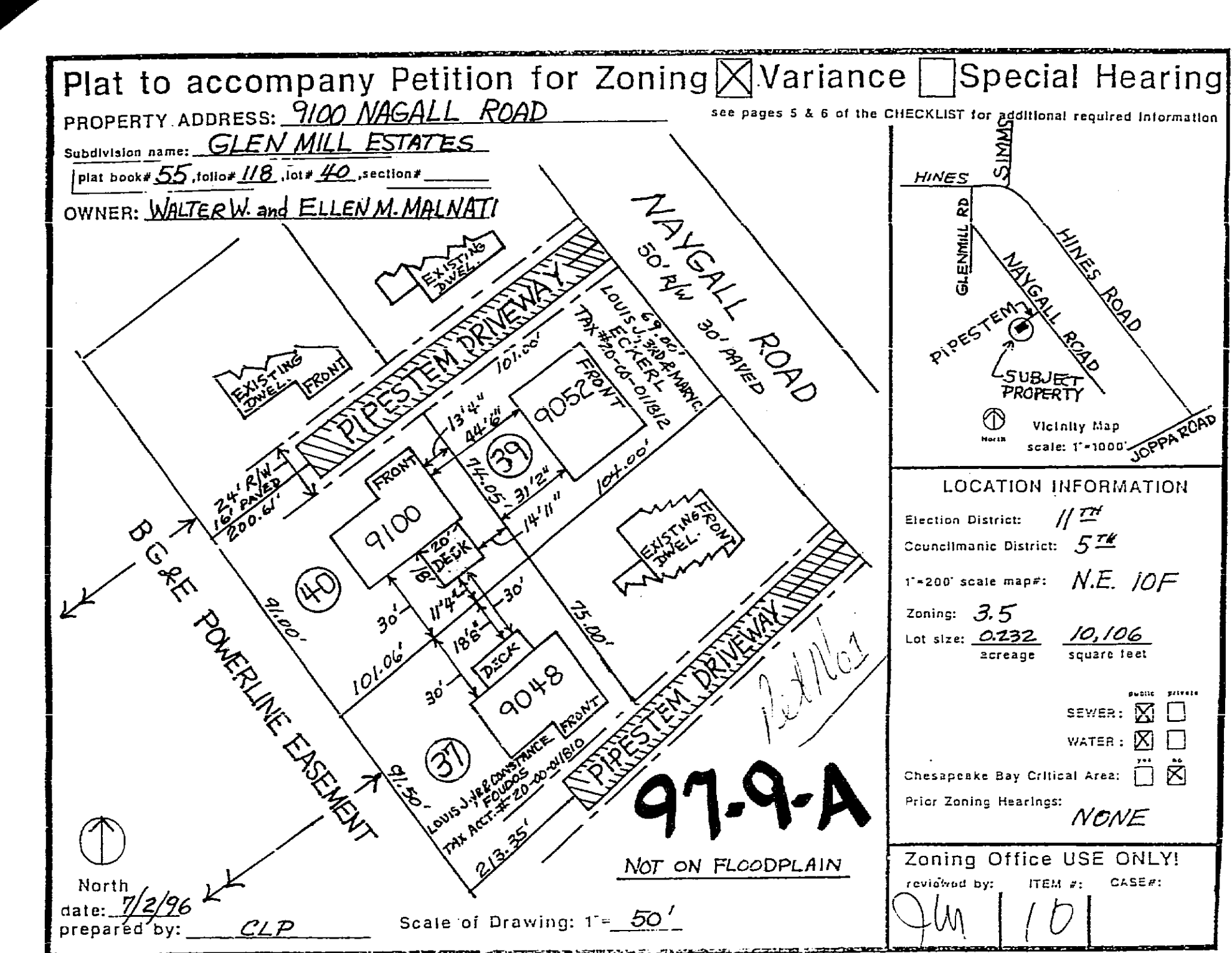
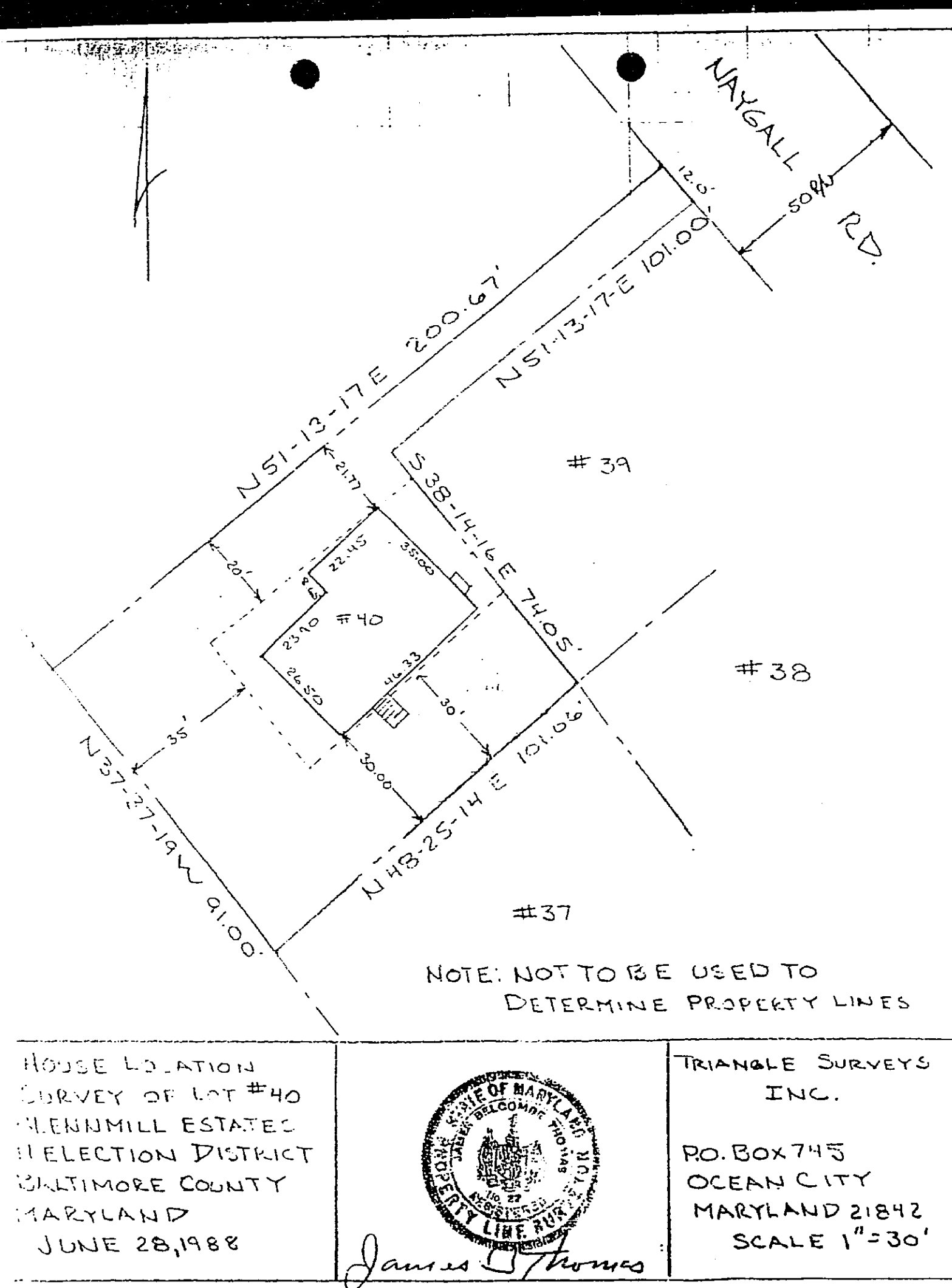
9048 NAYGALL RD

BALTO. MD 21234

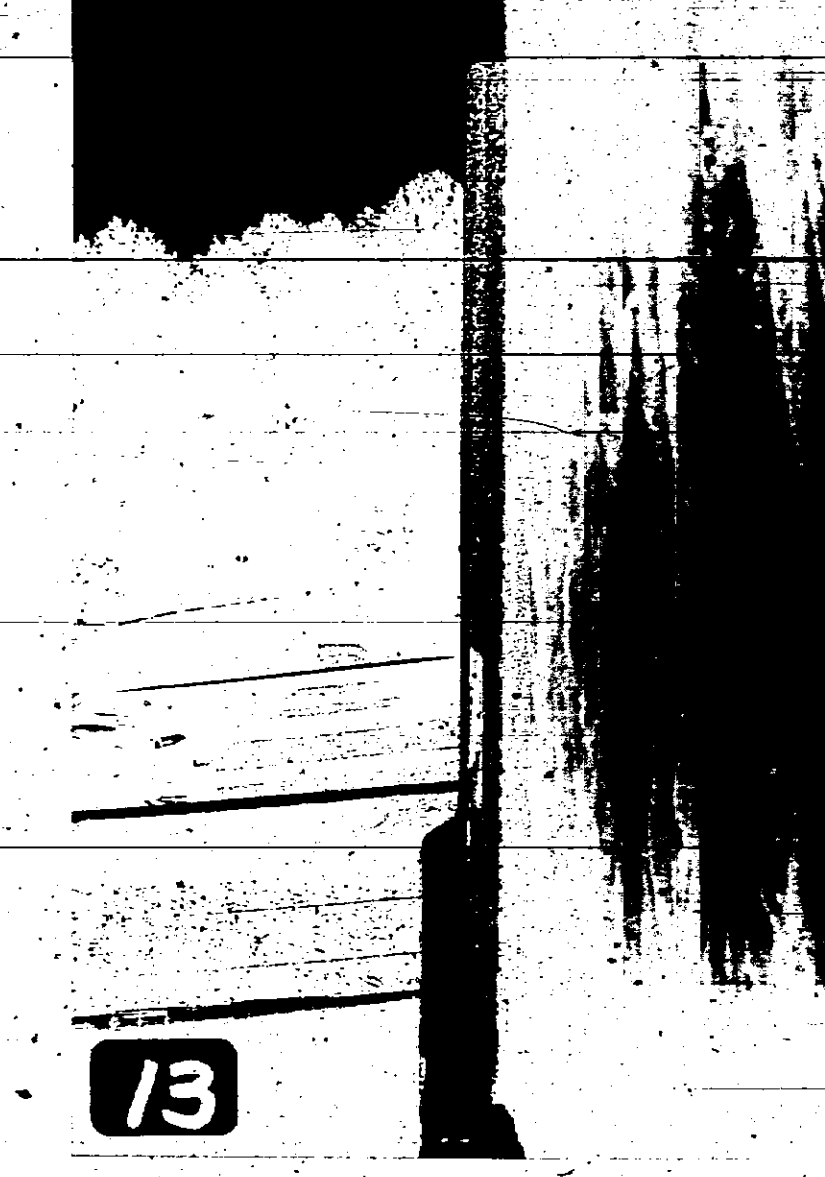
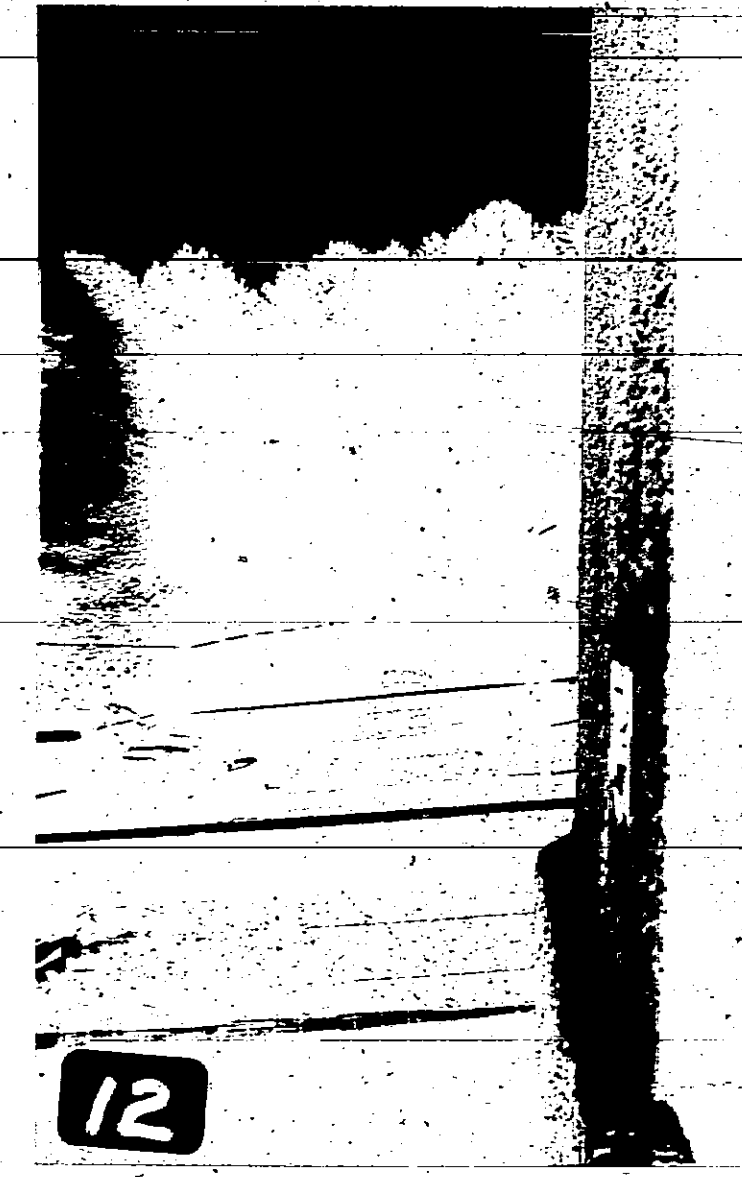
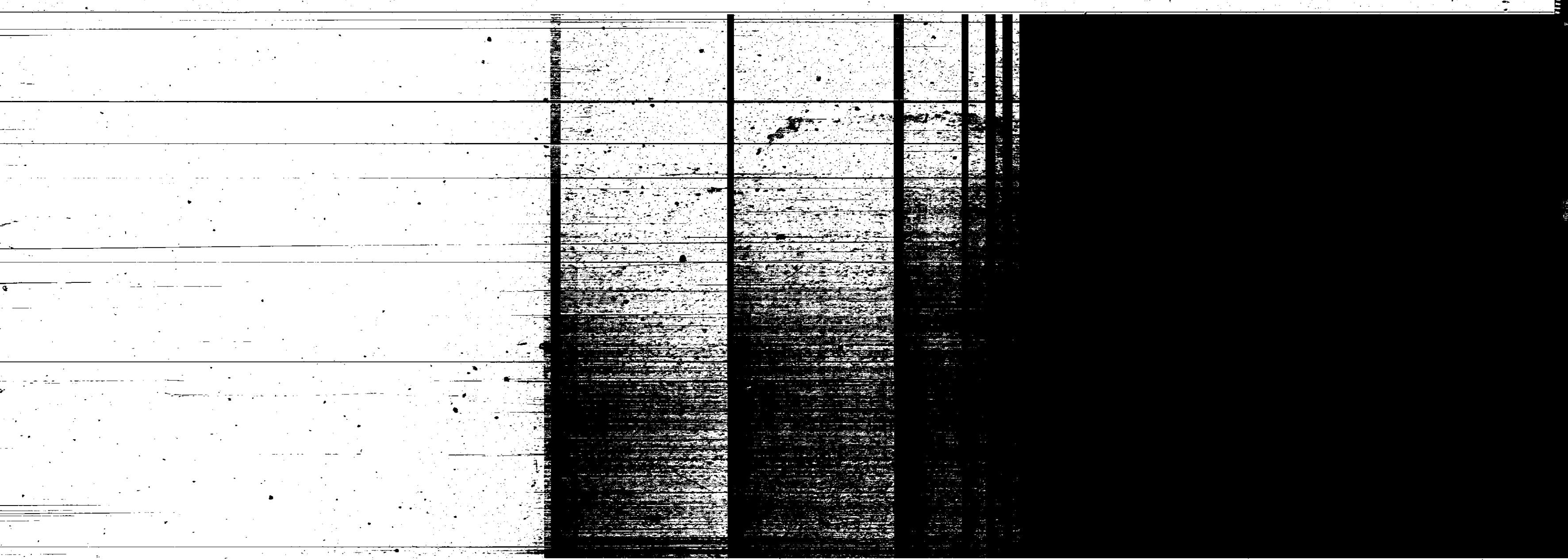
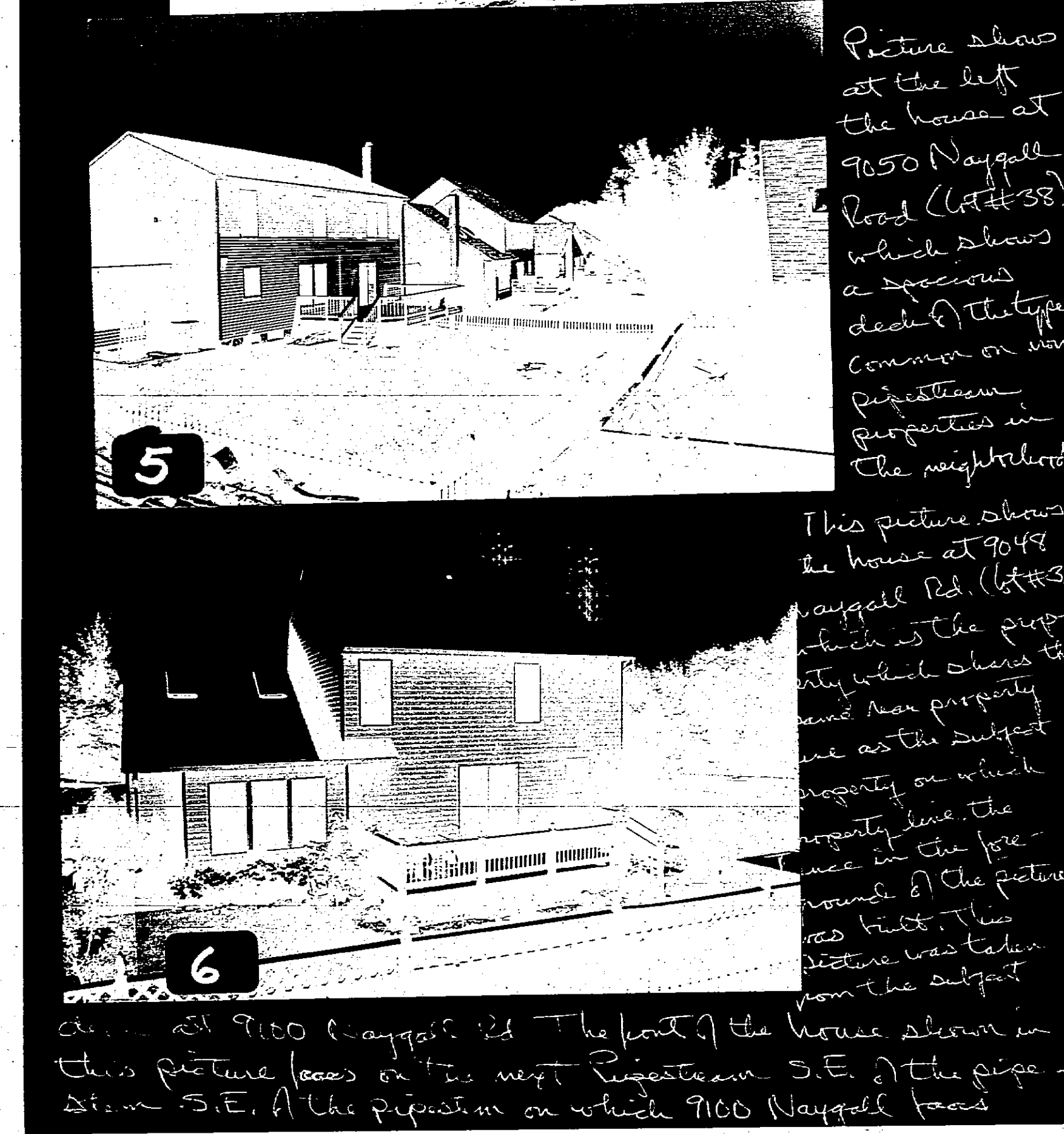
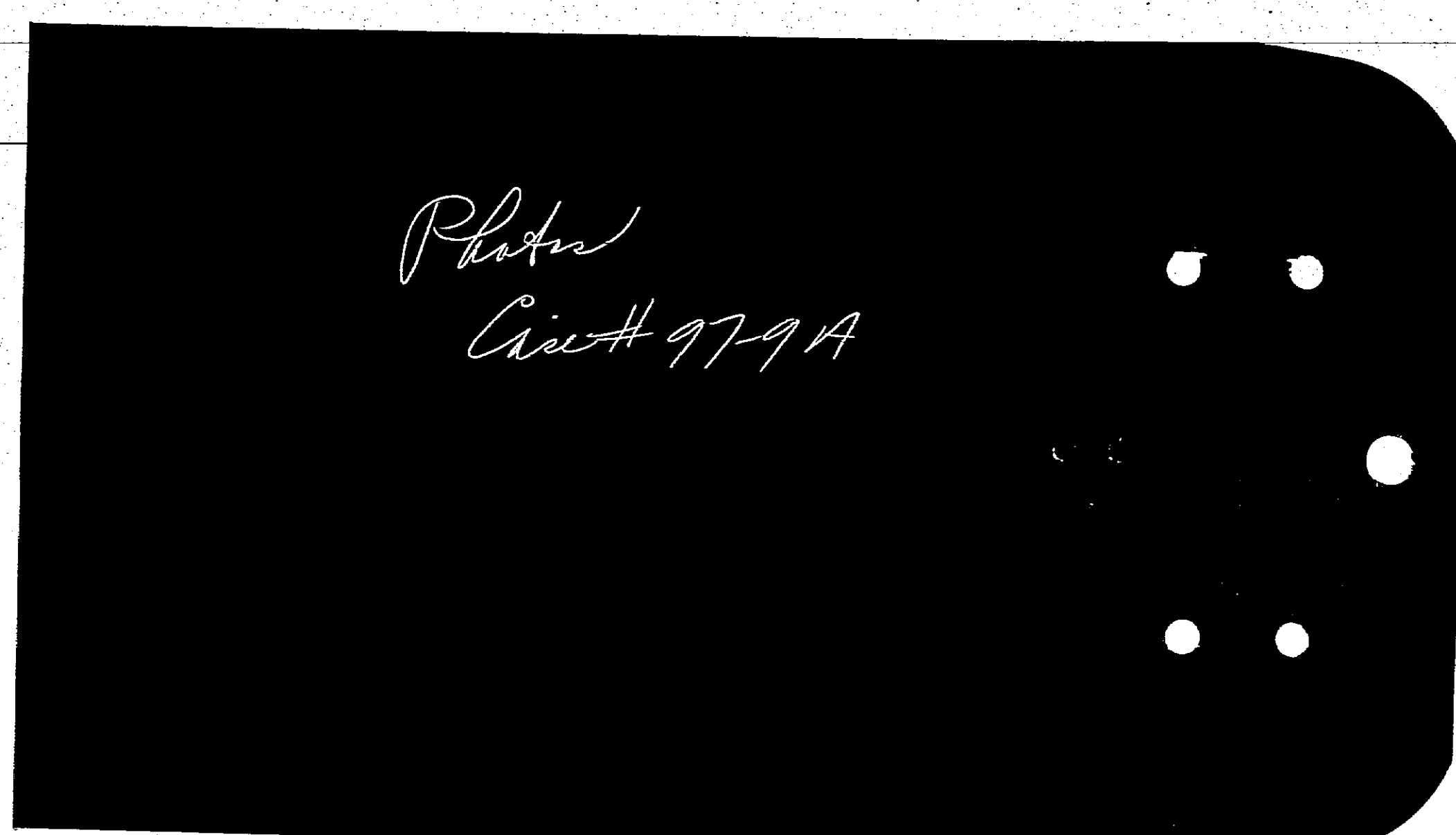
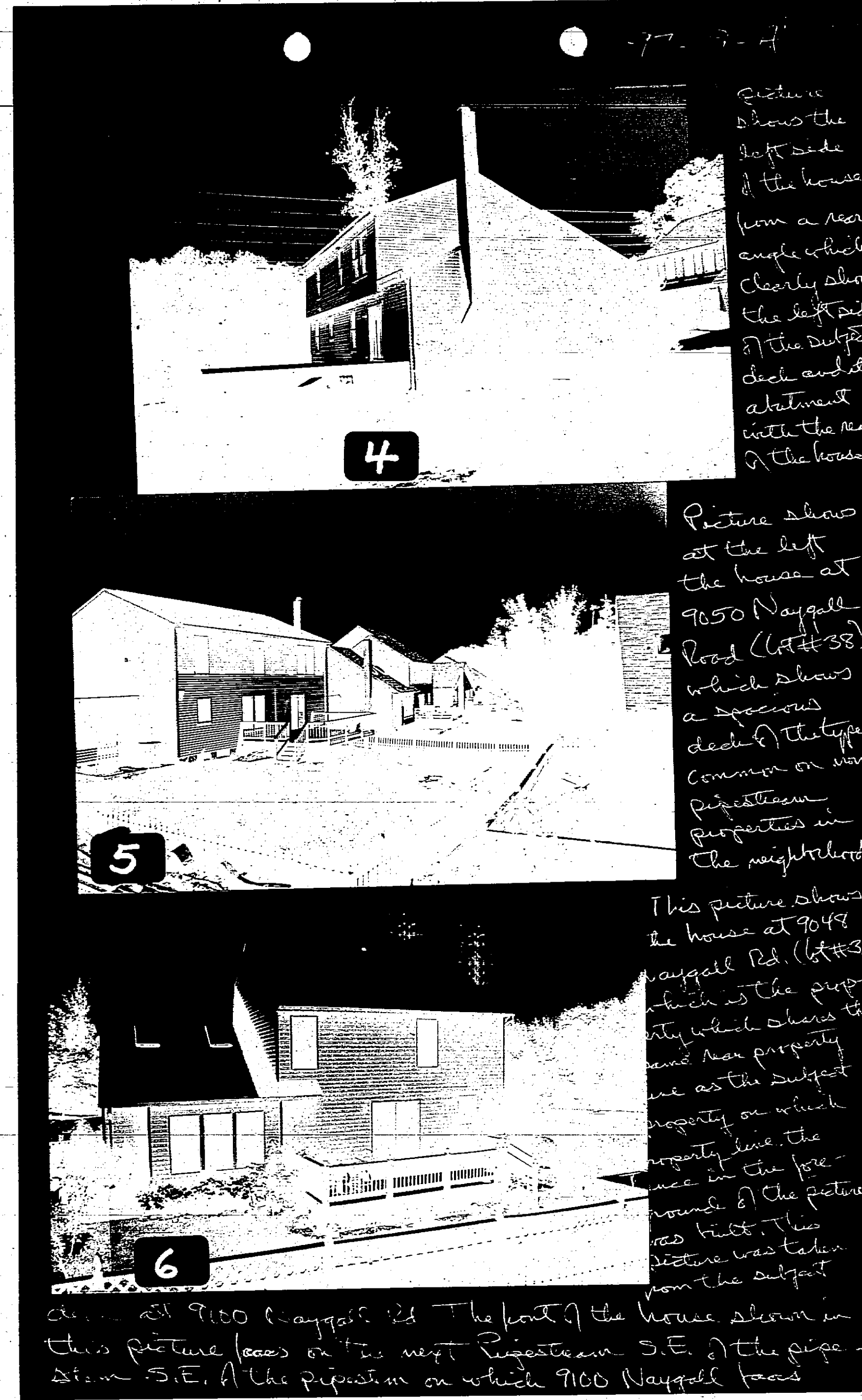
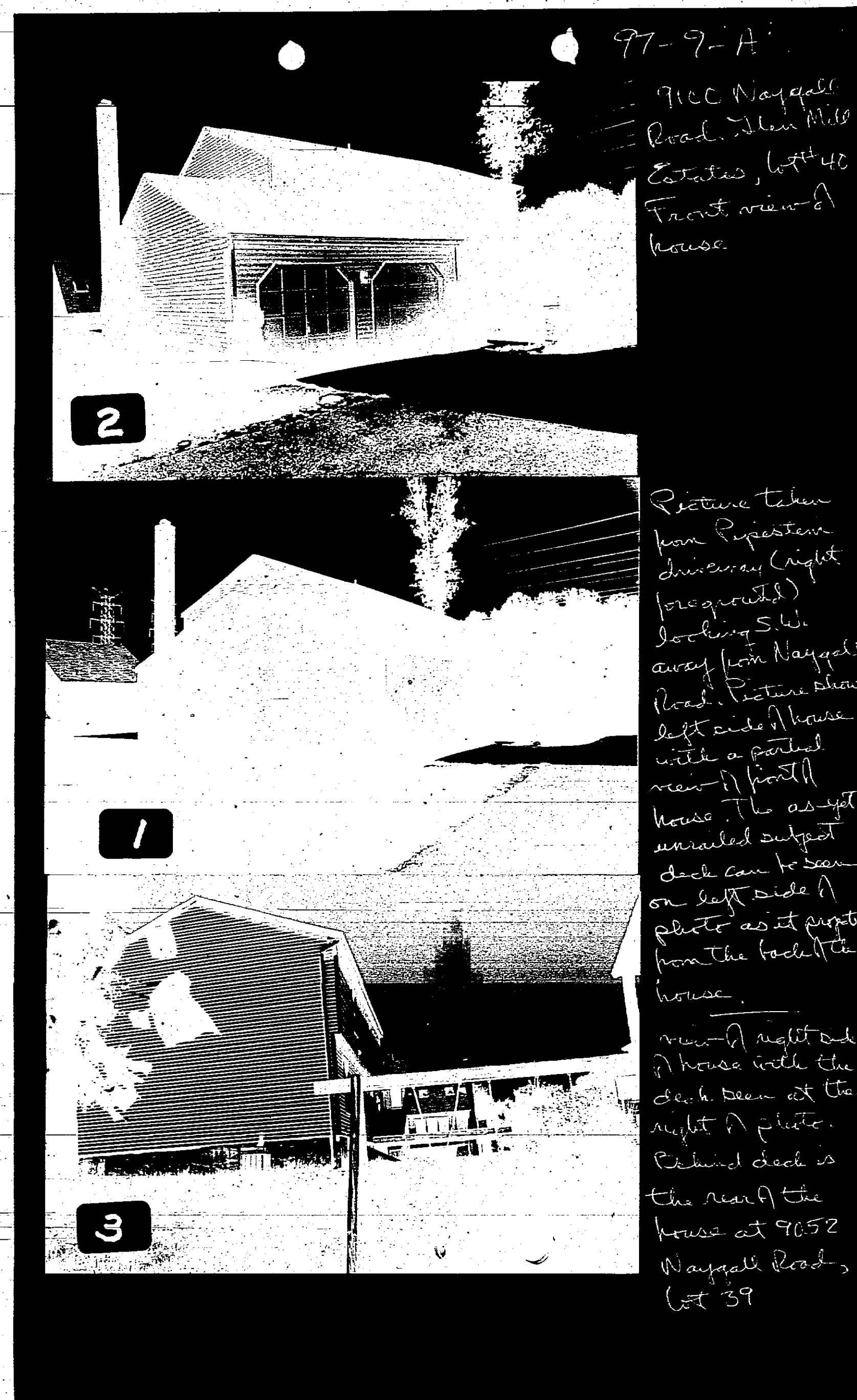
John M. Altmeyer  
City Building Inspector

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Baltimore County  
Department of Permits & Licenses  
County Office Building  
Towson, Maryland 21204  
410-587-3853







Picture shows the left side of the house from a rear angle which clearly shows the left side of the deck and adjacent driveway with the rear of the house.

Picture shows at the left the house at 7050 Naygall Road (Lot 38) which shows a spacious deck (a type common on many properties in the neighborhood).

This picture shows the house at 7049 Naygall Rd. (Lot 39) which is the property which shows the same as the property on which the picture was taken. This picture was taken from the subject.

at 7100 Naygall Rd. The front of the house shown in this picture (see) is the next Pipestem S.E. of the pipe stem S.E. of the Pipestem on which 7100 Naygall Road.

Photos  
Circ # 97-9A



**HURST-ROSCHKE ENGINEERS, INC.**  
CONSULTING ENGINEERS  
50 SCOTTADAM ROAD  
COCKEYSVILLE, MD. 21030  
683-1683

OWNER: RICHARD E WALTON  
4100 PERRYVIEW RD  
BALTIMORE, MARYLAND

APPLICANT: GLEN MILL CORPORATION  
CONTRACT 9656 BELAIR ROAD  
PURCHASER BELAIR, MD 21236

NOTE LIMITS OF CLEARING ARE TO BE  
STAKED IN THE FIELD PRIOR TO  
GRADING. NOTIFY HUMAN &  
RCHDE INC @ 825-3885 43  
HOURS PRIOR TO BEGINNING GRAD

APPROVED BY C.R.G.  
APRIL 16, 1984

FIRST AMENDED 55114

RECEIVED  
COUNTY COMMISSIONER

FINAL DEVELOPMENT PLAN

GLEN MILL ESTATES

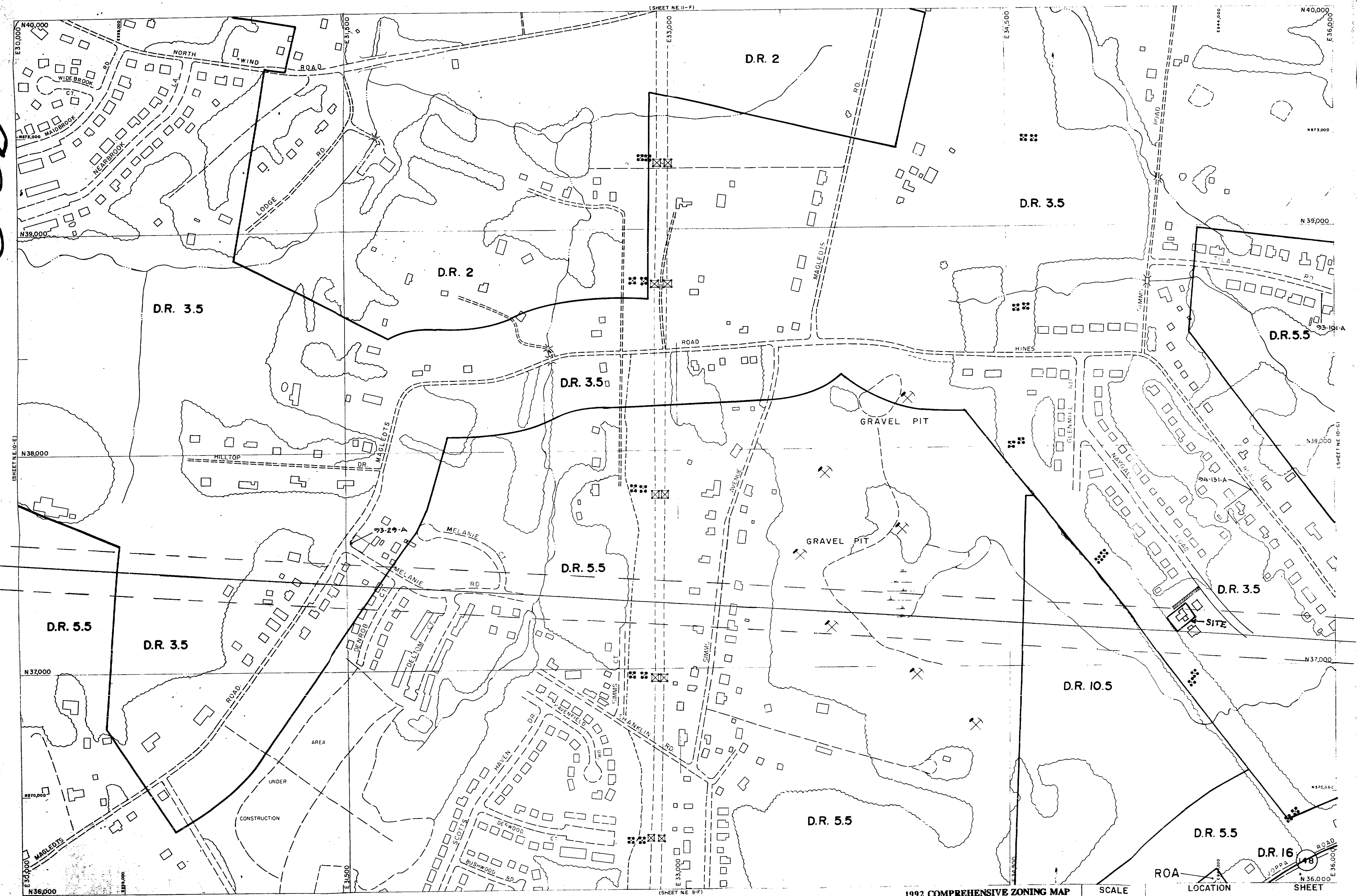
11<sup>TH</sup> Election District | 5<sup>TH</sup> Councilmanic District

BALTIMORE COUNTY, MARYLAND

Scale: 1" = 50' | Date: SEPT. 22, 1986



97-9-A



N-NE M-NW  
R-SE Q-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992

*William A. Howard*  
Chairman, County Council

SCALE  
1" = 200'  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
CARNEY  
PERRY HALL  
N.E.  
10-F





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
CARNEY  
PERRY HALL

SHEET  
N.E.  
10-F

A-6-16